

OFFICE OF THE CHIEF FINANCIAL OFFICER
OFFICE OF REVENUE ANALYSIS

**NOTICE of GENERAL REAL PROPERTY TAX RATES AND
SPECIAL REAL PROPERTY TAX RATES: TAX YEAR 2006**

I. Sum of Real Property Tax Rates

The recommended Tax Year 2006 real property tax rates are the following:

2006 Proposed Real Property Tax Rates	
<u>Real Property Tax Class</u>	<u>Calculated Indexed Rate Per \$100 of Assessed Value</u>
Class One (owner and renter-occupied residential)	\$0.92
Class Two (commercial)	\$1.85
Class Three (vacant and abandoned)	\$5.00

II. Special Real Property Tax Rates

BOND ACT REQUIREMENTS
Certification of Debt Service Requirement

In Tax Year 2006, forty percent of total real property tax collections, by class, shall be dedicated to the repayment of General Obligations Bonds. The recommended special real property tax rates by class for Tax Year 2006 are as follows:

2006 Recommended Real Property Special Tax Rates	
<u>Property Class</u>	<u>Real Property Special Tax Rate Per \$100 of Assessed Value</u>
Class One (owner and renter-occupied residential)	\$0.37
Class Two (commercial)	\$0.74
Class Three (vacant and abandoned)	\$2.00

**BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES**

The District of Columbia Board of Elections and Ethics hereby gives notice that there are vacancies in **ten (10)** Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed.

VACANT: **3D07**
 5C10
 6B11
 8B02, 8B03, 8C05, 8C06, 8E01, 8E06

Petition Circulation Period: **Tuesday, October 18, 2005 thru Monday, November 7, 2005**
Petition Challenge Period: **Thursday, November 10, 2005 thru Thursday, November 17, 2005**

VACANT: **4C07**

Petition Circulation Period: **Tuesday, October 25, 2005 thru Monday, November 14, 2005**
Petition Challenge Period: **Thursday, November 17, 2005 thru Wednesday, November 23, 2005**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N

For more information, the public may call **727-2525**.

District of Columbia
BOARD OF ELECTIONS AND ETHICS

Monthly Report
of
Voter Registration Statistics
for the period ending
September 30, 2005

Covering Citywide Totals by:

WARD, PRECINCT, and PARTY

One Judiciary Square
441 - 4th Street, NW, Suite 250N
Washington, DC 20001
(202) 727-2525
<http://www.dchoee.org>

9454

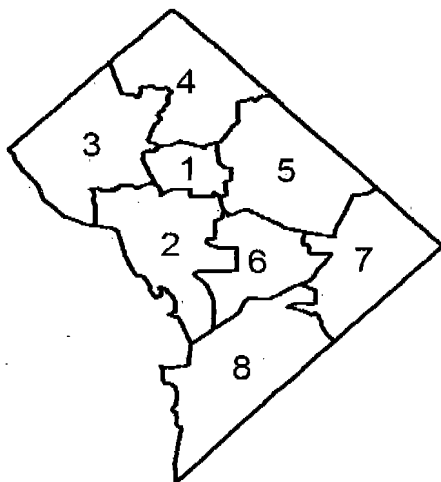
D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

CITYWIDE SUMMARY

Party Totals and Percentages by Ward for the period ending September 30, 2005

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	29,596	2,669	963	8,982	238	42,448
2	24,756	5,396	498	8,678	190	39,518
3	30,037	7,990	449	9,163	143	47,782
4	41,412	2,843	641	7,691	211	52,798
5	40,444	2,219	635	6,677	222	50,197
6	33,896	4,755	643	7,569	199	47,062
7	38,514	1,735	506	5,603	162	46,520
8	31,403	1,644	557	5,277	182	39,063
TOTALS	270,058	29,251	4,892	59,640	1,547	365,388
TOTAL Percentage (by party)	73.9%	8.0%	1.3%	16.3%	0.4%	100.0%

Wards



**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 1

For the Period Ending: September 30, 2005

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
20	1,301	48	17	370	29	1,765
22	1,875	207	53	468	19	2,622
23	1,409	85	60	467	11	2,032
24	1,779	210	40	552	13	2,594
25	3,034	455	97	905	11	4,502
35	2,652	231	101	838	20	3,842
36	2,717	216	83	808	22	3,846
37	2,204	140	50	581	17	2,992
38	1,869	132	55	534	15	2,605
39	2,559	222	118	825	18	3,742
40	2,495	217	119	829	18	3,678
41	2,059	172	79	832	12	3,154
42	1,200	66	36	370	13	1,685
43	1,190	78	29	266	8	1,571
136	676	155	14	217	6	1,068
137	577	35	12	120	6	750
TOTALS	29,596	2,669	963	8,982	238	42,448

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 2

For the Period Ending: September 30, 2005

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
2	407	131	7	252	7	804
3	1,075	446	11	512	8	2,052
4	921	322	16	456	11	1,726
5	1,935	716	35	709	10	3,405
6	2,296	1,201	52	1,421	20	4,990
13	1,070	296	15	382	6	1,769
14	2,306	445	41	745	16	3,553
15	2,489	345	37	770	21	3,662
16	2,179	336	40	594	10	3,159
17	3,024	516	77	1,045	31	4,693
18	2,847	216	64	689	13	3,829
21	1,075	69	35	238	5	1,422
129	1,169	137	23	357	14	1,700
141	1,963	220	45	508	18	2,754
TOTALS	24,756	5,396	498	8,678	190	39,518

**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 3

For the Period Ending: September 30, 2005

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
7	926	399	18	409	7	1,759
8	1,965	714	33	619	4	3,335
9	858	590	8	364	2	1,822
10	1,574	573	22	581	8	2,758
11	2,636	763	50	1,058	26	4,533
12	451	195	3	178	5	832
26	2,308	469	41	744	11	3,573
27	2,148	332	22	478	7	2,987
28	2,020	733	30	746	9	3,538
29	1,039	279	19	304	2	1,643
30	1,063	306	14	231	2	1,616
31	1,907	412	23	501	9	2,852
32	2,340	445	31	544	8	3,368
33	2,425	441	50	628	14	3,558
34	2,848	593	38	948	17	4,444
50	1,778	345	21	378	6	2,528
138	1,751	401	26	452	6	2,636
TOTALS	30,037	7,990	449	9,163	143	47,782

MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

Ward 4

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
45	1,828	101	31	311	15	2,286
46	2,514	106	38	457	11	3,126
47	2,149	164	43	585	16	2,957
48	2,370	158	40	444	8	3,020
49	620	36	16	148	4	824
51	2,895	618	42	588	9	4,152
52	1,162	280	7	239		1,688
53	954	96	21	231	4	1,306
54	1,870	134	35	412	17	2,468
55	2,301	117	29	367	18	2,832
56	2,734	105	39	594	15	3,487
57	2,212	105	32	392	16	2,757
58	2,060	64	34	342	7	2,507
59	2,393	95	31	353	12	2,884
60	1,543	100	28	559	13	2,243
61	1,485	75	21	254	3	1,838
62	2,991	187	40	348	7	3,573
63	2,730	131	70	474	15	3,420
64	2,159	86	17	292	10	2,564
65	2,442	85	27	301	11	2,866
TOTALS	41,412	2,843	641	7,691	211	52,798

PRECINCT STATISTICS

For the Period Ending: September 30, 2005

[illegible]

PRECINCT STATISTICS

For the Period Ending: September 30, 2005

9461

**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 7

For the Period Ending: September 30, 2005

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
80	1,157	55	15	186	8	1,421
92	1,216	67	19	190	9	1,501
93	1,177	59	13	180	5	1,434
94	1,547	77	22	204	5	1,855
95	1,278	42	24	204	2	1,550
96	1,700	78	30	276	4	2,088
97	981	44	18	159	2	1,204
98	1,418	54	16	180	9	1,677
99	1,073	44	16	175	7	1,315
100	1,362	67	21	205	4	1,659
101	1,418	49	13	182	6	1,668
102	1,836	84	25	223	8	2,176
103	2,769	125	39	427	13	3,373
104	1,979	98	32	316	12	2,437
105	1,615	70	26	230	7	1,948
106	2,574	105	31	344	4	3,058
107	1,204	73	14	209	4	1,504
108	1,034	49	7	102	5	1,197
109	931	42	10	93	3	1,079
110	3,399	143	38	439	13	4,032
111	1,720	69	27	313	8	2,137
112	1,743	74	21	268	11	2,117
113	1,826	89	15	269	7	2,206
132	1,557	78	14	229	6	1,884
TOTALS	38,514	1,735	506	5,603	162	46,520

9461 a

PRECINCT STATISTICS

For Period Ending: September 30, 2005

9462

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****CONSULTANT FOR SITE SERVICES MANAGEMENT**

Interested parties shall respond to this RFP by submitting sealed qualification statements and by addressing the specific proposal requirements, as requested in this RFP in an envelope clearly marked "RFP – CONSULTANT FOR SITE SERVICES MANAGEMENT TO FRIENDSHIP PUBLIC CHARTER SCHOOL" to:

Mr. Brad Russell (4 copies, 1 original inclusive)
Office of Friendship Public Charter School
900 Pennsylvania Avenue SE
Washington DC 20003

By no later than: **4:00 PM on October 28, 2005.**

Introduction

FPCS is soliciting proposals and qualification statements from interested parties having specific interest and qualifications in the areas identified in this solicitation. Qualification statements for consideration must contain evidence of the bidder's experience and abilities in the specified area and other disciplines directly related to the proposed work. Other information required by FPCS includes the submission of profiles and resumes of the staff to be assigned to the projects, references, illustrative examples of similar work performed, and any other requested information which will clearly demonstrate the bidder's expertise in the area of this solicitation.

A selection committee will review and evaluate all qualification statements and proposals and may request that the bidders make oral presentations and or provide additional information. The selection committee will rely on the qualification statements and proposals in selection of finalists and, therefore, bidders should emphasize specific information considered pertinent to this solicitation and submit all information requested.

Project Scope**PROVIDE CONSULTANT SERVICES FOR THE MANAGEMENT OF SITE SERVICES TO FRIENDSHIP PUBLIC CHARTER SCHOOL – 900 PENNSYLVANIA AVENUE, SE, WASHINGTON, DC.**

It is the intent of this RFP to select a consultant utilizing the criteria set forth under the proposal requirements section of this RFP. In general, the project scope will include managing the transition of facilities management vendors, assisting in the creation of policies and procedures for facilities management, and identifying the level of resources needed to ensure the effective management of all site based services across the five Friendship campuses. These services include custodial, ground maintenance, mechanical maintenance, security, and food services. The consultant is expected to spend most of his/her time at the school sites, working with the facilities management contractor and other service providers to ensure that quality services are rendered, the needs of the school leadership are met, and appropriate planning occurs for future capital projects.

Proposal Requirements

Proposals shall include, at a minimum, the following information organized as follows in their qualification statement:

1. A brief discussion of the company/firm, its organization, and services offered;
2. Information that demonstrates a history of providing consultant services of a similar nature and scope as those required by this solicitation. Specifically, experience in contract management and facilities management with preferred experience in a public school setting.
3. Resumes for proposed consultant(s) to be included on the project team and a description of prior co-work experience;
4. Description of previous projects completed that required the management of services related to facilities maintenance and other services provided within schools that have an impact on/make use of the physical plant.

For further information, contact Ms. Kimberly Campbell at (202) 675-9060.

DEPARTMENT OF HEALTH

REQUEST FOR COMMENTS

Prescription Drug Price Information Act – Price Posting Requirements

Deadline for Submission of Comments: November 30, 2005

Background

On June 10, 2005, in a notice published in the District of Columbia Register (“Notice”), the Department of Health (“DOH”), in cooperation with the Office of the Attorney General (“OAG”), announced its intention to renew implementation and enforcement of the District of Columbia Prescription Drug Price Information Act (“Act”), as amended, D.C. Official Code §§ 48-801.01 - 804.51. The Act requires each pharmacy in the District to prominently display in its prescription drug service area a poster advising consumers of their right to obtain current price information before making a prescription drug purchase, and disclosing the “current selling price” for each of the “100 most commonly used prescription drugs.” The law defines “most commonly used prescription drugs” as “the prescription drug products which were most frequently paid for by the Medicaid program operated by the District of Columbia government” during a three-month period preceding an annual revision of the drug list. The Notice set an effective date of August 1, 2005, and scheduled a June 16, 2005 public meeting for discussion of the details.

At the June 16 public meeting, DOH announced its intention to resume annual issuance to District pharmacies of a consumer prescription drug pricing booklet that would provide the required consumer rights information, and that would list the 100 most commonly used prescription drugs. Each pharmacy would be required to enter and keep updated the selling price for each listed drug, and to keep the pricing booklet in a location easily accessible by consumers. The Act provides that pharmacies may charge only the prices posted for the listed drugs.

Pursuant to the definition set forth in the Act, the proposed list of most commonly used prescription drugs would consist of the drug products with the 100 highest numbers of prescriptions filled, as reported by the D.C. Medicaid program to the U.S. Centers for Medicare

and Medicaid Services ("CMS") during the relevant measuring period. To facilitate quotation of the current selling price for each listed prescription drug product, each product would be identified by the manufacturer and drug product code segments of the National Drug Code System maintained by the U.S. Food and Drug Administration.

At the public meeting on June 16, and at another meeting on July 6 with representatives of the retail pharmacy industry, several pharmacy representatives said they foresaw potential compliance difficulties with the requirement that pharmacies post current selling prices for the most commonly prescribed drugs, and requested the opportunity to provide written comments regarding these concerns.

The Department of Health and the Office of the Attorney General believe that written comments, suggestions, and proposals from the industry and other interested parties would be of assistance in developing an effective compliance and enforcement program to implement requirements of the District of Columbia Drug Price Information Act. Accordingly, by letter dated July 29, 2005, DOH notified pharmacies in the District that the proposed effective date of August 1, 2005 was suspended and that implementation of the Act would be effected in several phases. As a first phase, DOH would issue and require pharmacies to display a "consumer rights" poster, beginning August 31, 2005. (DOH, in fact, prepared and mailed the posters to pharmacies on August 12 and 15, 2005.) In addition, DOH advised pharmacies that before proceeding with the requirement that current selling prices for the most commonly prescribed drugs be posted, DOH would solicit, review, and consider written comments from the public.

Request for Comments

Written comments (including suggestions and proposals for modifications to existing law) are requested from all interested persons. Comments may be presented upon any aspect of the proposed implementation and enforcement of the District of Columbia Drug Price Information Act.

Place and Deadline for Submission of Comments

Written comments are to be submitted by November 30, 2005 to:

Ms. Helen Jordan
Chief of Staff
Health Care Regulation and Licensing Administration
D.C. Department of Health
825 North Capitol Street, NE, Room 4164
Washington, DC 20002

Comments may also be submitted to Ms. Jordan by email addressed to: helen.jordan@dc.gov

Department of Housing and Community Development Notice of Funding Availability

Jalal Greene, Director, Department of Housing and Community Development (DHCD), announces a Notice of Funding Availability (NOFA) for \$41 million in funding under the Community Development Block Grant (CDBG), the Home Investment Partnerships (HOME), Low Income Housing Tax Credits (LIHTC) and the Housing Production Trust Fund (HPTF) programs, administered by DHCD. CDBG, HPTF, LIHTC and HOME funds for this NOFA are being made available from anticipated FY 2006 budget funds. This NOFA is being conducted pursuant to the FY 2006 (October 1, 2005 to September 30, 2006) Consolidated Action Plan prepared for submission to the U.S. Department of Housing and Urban Development (HUD).

The District is interested in financing projects that focus on the following categories:

1) Elderly Housing; 2) Special Needs Housing; 3) Preservation of Housing affected by Expiring Federal Subsidies; 4) New/Substantial Rehabilitation of Housing (5 or more units); 5) Homeownership; and 6) Community Facilities to serve low to Moderate Income Persons.

The competitive Request for Proposals (RFP) will be released on October 28, 2005, and the deadline for submission is Friday, January 06, 2006 at 4:00 p.m. E.S.T. The RFP package, including all application materials and the reference guidebook can be obtained from DHCD, Development Finance Division, 801 North Capitol Street, N.E., Washington, D.C. 20002, second floor reception desk. This material will also be available from the DHCD website, www.dhcd.dc.gov on or about Friday, November 11, 2005.

The reference guidebook contains technical information on the CDBG, HOME, LIHTC, and HPTF, programs, as well as other information that may be useful in completing the application. **Proposals for the First Right Purchase Program and HOME-Community Housing Development Organization (CHDO) set-aside programs will also be accepted under this RFP; however, DHCD will continue to accept additional funding requests for these two programs until all of these program funds have been committed.** For additional information, contact the DHCD's Development Finance Division at (202) 442-7280.

Completed applications must be delivered on or before 4:00 p.m. E.S.T., Friday, January 6, 2006 to the DHCD, Development Finance Division, 801 North Capitol Street, N.E., Second Floor Reception Desk, Washington, D.C., 20002.

NO APPLICATIONS WILL BE ACCEPTED AFTER THE FILING DEADLINE FOR SUBMISSION

A Pre-Proposal Conference will be held on, Thursday, November 03, 2005, from 9:00 a.m. to 12:00 p.m., at the Department of Housing and Community Development, 801 North Capitol Street, N.E., 9th Floor Boardroom, Washington, D. C. 20002.

Anthony A. Williams, Mayor
Government of the District of Columbia
Stanley Jackson, Deputy Mayor for Planning and Economic Development
Jalal Greene, Director
Department of Housing and Community Development



ANTHONY A. WILLIAMS
MAYOR

OCT 18 2005

The Honorable Linda W. Cropp
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Cropp:

Enclosed for consideration and approval by the Council is "Reorganization Plan Number 1 of 2005 for the Office of Property Management (Protective Services Division) and the Metropolitan Police Department (Office of Security Services)". The proposed reorganization would transfer the functions of the Office of Property Management (OPM)—Protective Services Division (PSD) to the Metropolitan Police Department (MPD)—Office of Security Services (OSS), pursuant to section 3104 of the Fiscal Year 2005 Budget Support Act of 2004 (2004 BSA), effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441).

The plan to consolidate security services is the logical next step in the critical enhancement of safety and security services within the District government. If approved, the reorganization would transfer the considerable assets and operational talents of the PSD to MPD and allow a seamless integration of policing and security services across the city. Additional benefits of the reorganization would include enhanced education and management of PSD personnel.

From the standpoint of how the District government organizes and carries out services, this consolidation makes sense. The MPD provides public safety services; that is its mission and its core competency. *See* D.C. Official Code § 5-101.03 (2001). The OPM, among other things, manages the real property assets of the District of Columbia. *See* sections 1803 and 1804 of the Office of Property Management Establishment Act of 1998 (OPM Act), effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 10-1002 and -1003 (2001)), for OPM's purpose and functions. By transferring responsibility for public safety and security of District buildings to the MPD, the OPM would be in a stronger position to focus its energies and its resources on

OCT 21 2005

its central mission. Though it is not anticipated that the reorganization will reduce expenditures on security services, the reorganization will lead to improved operational performance for both PSD and OPM, and better security services for all District agencies.

Implementation of the reorganization will enhance security for government employees and members of the public who access government buildings, through a better managed, better trained, and better equipped PSD.

Please let me know if you have any questions about this plan.

Sincerely,

A handwritten signature in black ink that reads "Anthony A. Williams". The signature is written in a cursive, flowing style.

Anthony A. Williams

Enclosures

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



Legal Counsel Division

**MEMORANDUM**

TO: Terrence D. Ryan
General Counsel
Metropolitan Police Department

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: September 20, 2005

SUBJECT: Draft Reorganization Plan to Transfer the Protective Services Division from
OPM to MPD
(AE-05-386) (MID 143568)

This responds to your June 2, and September 16, 2005 memoranda, by which you request that this Office review the above-referenced draft Reorganization Plan (the Plan), as well as the accompanying draft proposed resolution and Mayoral transmittal letter (collectively, the documents), for legal sufficiency.

The Plan is authorized by section 422(12) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(12) (2001), which provides, in pertinent part, that "[t]he Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization." Here, the Plan would transfer the Protective Services Division from the Office of Property Management to the Metropolitan Police Department.

The revised versions of the Plan and proposed resolution that were forwarded with your later memorandum incorporate comments made by Assistant Attorney General John J. Grimaldi, II, Legal Counsel Division. I find the documents to be legally sufficient and, accordingly, have attached a Certificate of Legal Sufficiency that you should include in your legislative package when you transmit it to the Office of Legislative Support (OLS).¹ In addition, please be

¹ Please note that section 5(b) of the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981, D.C. Law No. 4-42, D.C. Official Code § 1-315.04(b) (2001), provides that "[u]pon transmittal of the proposed reorganization plan, the Mayor shall cause the same to be published in the District of Columbia Register." I suggest, then, that you coordinate with OLS for the required publication, when the package is ready to be transmitted to the Council.

OCT 21 2005

reminded that you must secure a fiscal impact statement from the Office of the Chief Financial Officer to accompany your package.

Should you have any questions regarding this memorandum, please contact either Mr. Grimaldi at 724-5198, or me at 724-5524.

WCW/jjg

Attachment (as stated)

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL

Legal Counsel Division

★ ★ ★

MEMORANDUM

TO: Elizabeth C. Lloyd
Director
Office of Legislative Support

FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division

DATE: September 20, 2005

SUBJECT: Draft Reorganization Plan to Transfer the Protective Services Division from
OPM to MPD
(AE-05-386) (MID 143568)

This is to Certify that this Office has reviewed the above-referenced draft Reorganization Plan, as well as the accompanying draft proposed resolution and Mayoral transmittal letter, and found them to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Wayne C. Witkowski

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Reorganization Plan Number 1 of 2005

for the

**Office of Property Management
(Protective Services Division)**

and the

**Metropolitan Police Department
(Office of Security Services)**



Submitted to the Council of the District of Columbia
By Anthony A. Williams, Mayor, Government of the District of Columbia
October 13, 2005

A. Mayor's Statement

Reorganization Plan Number █ of 2005 would transfer the functions of the Office of Property Management (OPM)—Protective Services Division (PSD) to the Metropolitan Police Department (MPD)—Office of Security Services (OSS), pursuant to section 3104 of the Fiscal Year 2005 Budget Support Act of 2004 (2004 BSA), effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441). The Deputy Mayor for Public Safety and Justice assembled a task force comprised of District employees with diverse professional backgrounds to develop this plan. Included as part of the process were representatives of the International Brotherhood of Police Officers Local 445 (Local 445), the union representing rank and file PSD members below the rank of sergeant, as well as representatives of all strata and assignment from within the PSD itself.

Since September 11, 2001, the District of Columbia has made significant improvements in its emergency preparedness, and is the only municipality to have received national accreditation for its emergency preparedness program. This plan to consolidate security services is the logical next step in the critical enhancement of safety and security services within the District government. It would transfer the considerable assets and operational talents of the PSD to the MPD and allow a seamless integration of policing and security services across the city.

Providing a new level of security in and around public buildings has been a major focus of District government. The persistent threat of a terrorist strike has caused public agencies to focus attention on physical security and employ reasonable strategies to control access, screen visitors for weapons, and monitor their facilities. The challenge is to do so in a manner that adheres to constitutional standards and still allow for citizens' access to public facilities. Within the District of Columbia, the PSD has overseen the security function at 88 sites, many of which are equipped with video monitoring equipment and alarm systems. By combining the PSD technology services with those of the MPD, the city would increase its ability to protect public facilities and detect, assess, and respond to threatening situations at these locations. Moreover, the PSD's experience in managing the city's contract for private security services at public buildings would enrich the MPD's ability to manage the public schools security contracts.

This move is part of a larger city effort to consolidate all municipal security and policing operations under one command, so that coordination of these efforts can be improved. This Reorganization Plan would, in several ways, accomplish all of the purposes set out in the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Official Code § 1-315.01 *et seq.*). Implementation of the proposed reorganization would enhance two-way communications during crisis conditions through the creation of a seamless radio communication network. We know that actual or perceived terrorist activity, or even smaller scale disorder or criminal acts, can prevent our employees from providing services to our residents. Through this enhanced communication, our employees and their families can be reassured that their safety and security is paramount.

9476

B. Reorganization Plan

I. PURPOSE

Pursuant to the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Official Code § 1-315.01 *et seq.*), this represents Reorganization Plan Number ■ of 2005, the purpose of which would be to transfer the OPM—PSD to the MPD—OSS.

The mission of the PSD is to ensure uninterrupted government operations by safeguarding property and persons in District buildings and surrounding areas. The PSD reports to the Director of the OPM. D.C. Official Code § 5-129.02 (2001) provides for the appointment of "special policemen" as follows:

"The Mayor of the District of Columbia, on application of any corporation or individual, or in his own discretion, may appoint special policemen for duty in connection with the property of, or under the charge of, such corporation or individual; said special policemen to be paid wholly by the corporation or person on whose account their appointments are made, and to be subject to such general regulations as the Council of the District of Columbia may prescribe."

Section 1806(a)(3) of the OPM Act (D.C. Official Code § 10-1005 (a)(3) (2001)) had established² the PSD as one of the primary organizational units within the OPM, providing as follows:

"The Protective Services Division...will coordinate and manage the security requirements for District government facilities...."

II. TRANSFER OF FUNCTIONS

All powers, duties, and functions of the OPM-PSD are hereby transferred to MPD-OSS. This transfer also includes all PSD property, records, personnel, and unexpended balances of appropriations, allocations, intra-district fund transfers, surcharges, and all other funds available, or to be made available, to the PSD.

III. ESTABLISHMENT

There is hereby established in the Metropolitan Police Department's Office of Security Services, the Protective Services Division (PSD). The PSD:

- (i) Shall be the division of the MPD responsible for coordinating, managing, and providing law enforcement services on properties owned or leased by the District of Columbia and under the Executive Office of the Mayor;
- (ii) Shall be responsible for the purchase and upkeep of physical security screening equipment purchased for the purpose of screening employees and visitors, as

² Section 3102(b)(3) of the 2004 BSA repealed this paragraph.

appropriate and as budget and funds allow, in properties owned or leased by the District of Columbia and under the Executive Office of the Mayor;

- (iii) Shall be responsible for the purchase and upkeep of electronic security and surveillance systems installed in properties owned or leased by the District of Columbia and under the Executive Office of the Mayor;
- (iv) Shall recommend to the Chief of Police those rules, regulations, and procedures necessary for the existence of a safe, secure, and orderly environment on properties owned or leased by the District of Columbia and under the Executive Office of the Mayor; and
- (v) Shall be funded through the establishment of Memorandums of Understanding with District government agencies and the intra-District transfer of funds to pay the cost of such security and for the purchase and maintenance of necessary equipment as may be required to ensure the safety of employees and visitors on properties owned or leased by the District of Columbia and under the Executive Office of the Mayor.

IV. OTHER TRANSFERS

All positions, personnel, property, records, equipment, and unexpended balances of appropriations, allocations, and other funds available, or to be made available, that relate primarily to the functions set forth in Section B(II), above, are hereby transferred to the MPD.

V. REALIGNMENT FOLLOWING REORGANIZATION

The Chief of Police, in the performance of duties and functions transferred by this Reorganization Plan, is authorized to establish such organizational components with specified functions to coordinate, manage, and provide security and law enforcement services on properties owned or leased by the District of Columbia.

VI. ABOLISHMENT

The Protective Services Division within the Office of Property Management is hereby abolished.

VII. EFFECTIVE DATE

Pursuant to section 422(12) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 790; D.C. Official Code § 1-204.22(12)), Reorganization Plan Number ■ of 2005 in all its parts shall become effective on the 61st day following receipt by the Council, excluding Saturdays, Sundays, and holidays, provided that the Council does not adopt a resolution disapproving such reorganization plan within 60 days of receipt.

C. Section-By-Section Analysis**I. PURPOSE**

Part I sets forth the purpose of the Reorganization Plan, which is to transfer the functions of the OPM—PSD to the MPD—OSS.

II. TRANSFER OF FUNCTIONS

Part II transfers the functions of the OPM—PSD to the MPD—OSS.

III. ESTABLISHMENT

Part III establishes a new Protective Services Division within the MPD—OSS with the responsibility for ensuring an environment of safety for employees and visitors on properties owned or leased by the District of Columbia.

IV. OTHER TRANSFERS

Part IV completes the necessary transfers by moving all property, appropriations, personnel, positions, records, equipment, and unexpended balances of appropriations to the MPD.

V. REALIGNMENT FOLLOWING REORGANIZATION

Part V authorizes the Chief of Police to align the PSD where appropriate, to coordinate, manage, and deliver security and law enforcement services to properties owned or leased by the District of Columbia.

VI. ABOLISHMENT

Part VI abolishes the PSD within the OPM.

VII. EFFECTIVE DATE

Part VII is the effective date provision.

D. Rationale for the Reorganization Plan

i. Problems with the Present Organization

At the direction of the Mayor, the MPD caused a study of the role and function of the PSD to be conducted. Said study, entitled *Transitioning the Protective Services Division of OPM into the Metropolitan Police Department*, is attached hereto and incorporated by reference. The study concludes that:

"In the post-9/11 environment, it makes sense to bring together what are currently independent security functions operating within DC government, to provide improved coordination among these units and with normal Metropolitan Police Department policing activities throughout the city. Security in the city is carried out by a number of functions, including Protective Services (for DC Government buildings), DC Schools (for school facilities) and public housing."

The Deputy Mayor for Public Safety and Justice then assembled a task force comprised of District employees with diverse professional backgrounds to take this study and work through the necessary details to create this Reorganization Plan. Included as part of the process were representatives of Local 445, as well as representatives of all strata and assignment from within the PSD itself.

The PSD competently fulfills its primary mission—safeguarding the people and resources in District facilities and surrounding property each and every day. The threats to District government buildings are evident and have long been with us. Historical experience, such as the 1977 shooting of a PSD officer at the District Building, and recent examples, including the 2003 shooting of a New York City Council member in City Hall—have focused attention on the services that the PSD currently provides to screen visitors for weapons, and control access to and monitor facilities. That said, the MPD is the most appropriate organization to support and promote security services to confront the challenges to public safety that have grown exponentially since the terrorist attacks of September 11, 2001. It is critically important that the District government support and prepare the PSD to prevent or respond to these dangers.

Because of their position in District government facilities, PSD personnel and contract guards will likely be first responders in any attacks on the District government. Perhaps more importantly, they will play a critical role in ensuring continued government operations in emergencies so that the District government can provide for the needs of people, businesses, and other organizations throughout the city. The consequences of a failure in District government operations would not just be local or regional, but potentially national and even global in scale.

These public safety challenges can best be addressed by moving the PSD under the authority of the MPD. This proposed transfer would accomplish the following:

- ***Enhanced Response***

The PSD oversees the security functions at 88 sites throughout the city. The city will increase its ability to protect public facilities and detect, assess, and respond to threatening situations at these locations. Placing separate law enforcement and security functions under a single chain of command enables optimal deployment of resources. Under the authority of the Chief of Police, the PSD will have the direct backing of and access to 3,800 officers and all of the other resources of the MPD. During an incident at District facilities, having all officers under a single chain of command will enable a better response and access to more resources.

- ***Enhanced Professionalism***

The reorganization would enable MPD and PSD to standardize and enhance recruitment and hiring practices, as well as training and ongoing education. While different functions require some specialization in training, there are many common elements of training for police officers, special police officers, and contract security staff. Bringing all of the District's law enforcement and security professionals under one organization will help ensure that critical law enforcement policies and procedures in the District will be standard and consistent. This will be especially important in such areas as use of force and police integrity. For instance, the importance of training on how to de-escalate potentially violent episodes is critical. Not only does this ensure solid security, it also protects the District from lawsuits due to well-developed and maintained skills in crisis management and less than lethal force. For specialized training needs, MPD will integrate and develop best practice training and continuing education, such as it is currently doing for School Resource Officers, to ensure that the specific needs of the PSD are fully understood by all personnel assigned to this specialty.

- ***Increased Accountability***

By bringing the PSD and school security under the MPD, the District is affixing responsibility and accountability for locally managed public safety and security services in one agency and one chain of command. This consolidation makes sense not only in terms of the management of these law enforcement and security services, but also in terms of the oversight of these critical functions – by the Council and District residents. When there are issues or opportunities that cross functions, the public will know to whom turn for answers and for results.

- ***Improved Access to Resources***

MPD is a large purchaser of equipment, uniforms, vehicles, and other supplies. MPD also has a full-service human resources division and a grants management function, both of which are geared towards law enforcement and security needs. These capacities will enable economies of scale for procurement, personnel, and other administrative functions.

The MPD is best situated to provide for the needs of PSD personnel, in terms of equipment, training, and support. The core function of the OPM is not security or policing, thus its ability to consider these needs is understandably limited. What comes naturally to a police department is not easily transferable to a property management agency.

- **Better Control of Resources**

The transfer of the PSD to MPD will afford the city better control of costs and services related to physical security. MPD's assumption of responsibility for school security services dovetails nicely with this transfer. The PSD also has significant experience in the management of contract guard services, and this experience can be of benefit in the management of the school security contracts.

ii. **Recent Reorganization Studies and Recommendations**

Like the PSD, the Federal Protective Services (FPS) has evolved from a guard force to a provider of comprehensive security and law enforcement services. Its mission has moved from a reactive to a proactive organization dedicated to reducing the threat to its customers.³ Also, an interesting similarity to the PSD is the fact that the early FPS personnel were considered "night watchmen."⁴ D.C. Official Code § 5-133.04, now repealed, was a clear reference to PSD members. It provided that "[p]olicemen shall not be detailed for duty as watchmen at the Municipal Building."

Although both the PSD and the FPS share notable connections, the most significant is that the FPS, which was once a part of the General Services Administration, OPM's counterpart in the federal government, was transferred to the U.S. Department of Homeland Security in March 2003.⁵

It is apparent that the federal government and the government of the District of Columbia have noted the importance of preparing for the worst case scenario by ensuring the seamless approach to homeland security. Both governments realize that in order to be successful, agencies must join forces before a crisis to ensure a successful resolution of any disaster - natural or manmade.

In addition, as mentioned earlier, the Strategic Policy Partnership conducted a study, *Transitioning the Protective services Division of OPM into the Metropolitan Police Department*, in March 2005. This study is attached.

iii. **Expected Benefits and Improvements**

There are a number of benefits already identified that should occur as a result of the inclusion of the PSD as part of the MPD. PSD personnel will become members of a premiere law enforcement agency. With that comes access to better training,

³ Source: Historical Background, Federal Protective Service. http://www.ice.gov/text/fps/org_hb.htm.
Downloaded 4/25/05

⁴ IBID

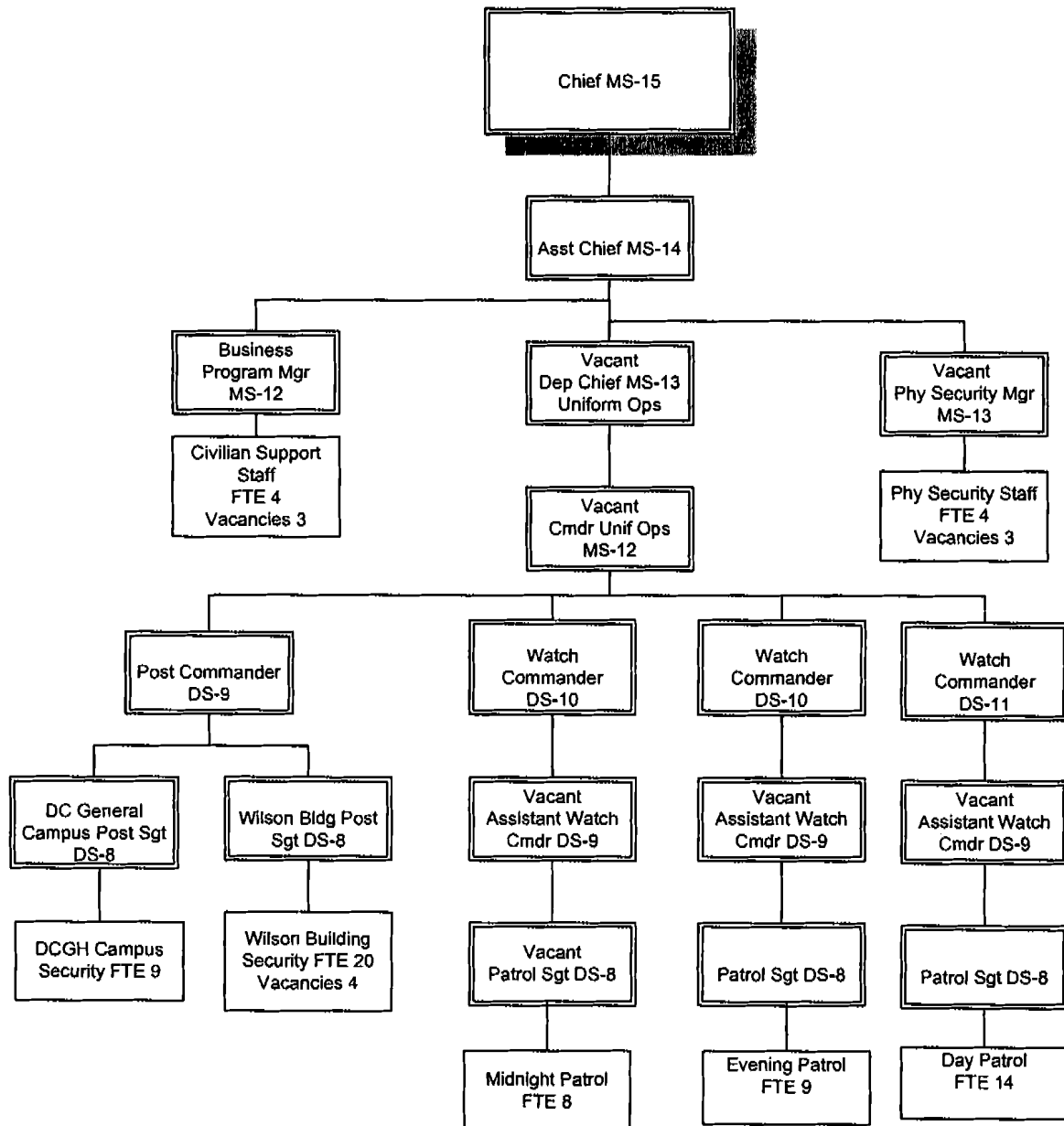
⁵ IBID

equipment, information, and an overall increase in professionalism. Integration of the PSD into MPD's policies, procedures, and functions will occur whenever and only when it enhances their mission and purpose.

E. Functional Organization Chart of Each Affected Agency

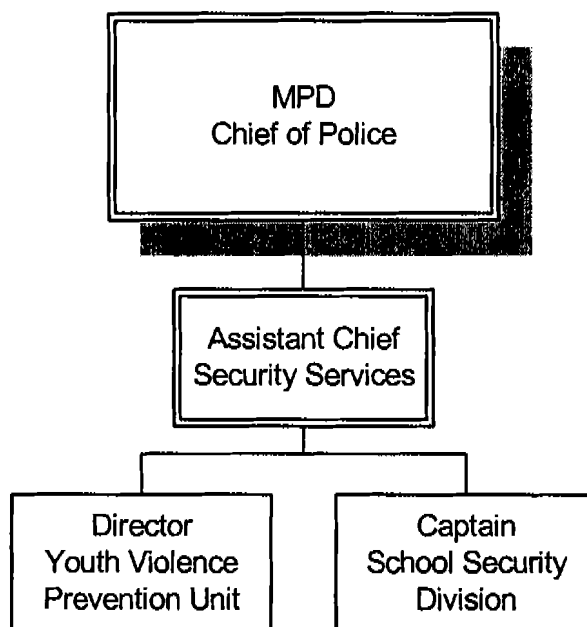
Office of Property Management—Protective Services Division—Existing*

*Note: After reorganization, none of the positions identified in this organizational chart will remain with OPM. All positions listed as vacancies are authorized vacancies.



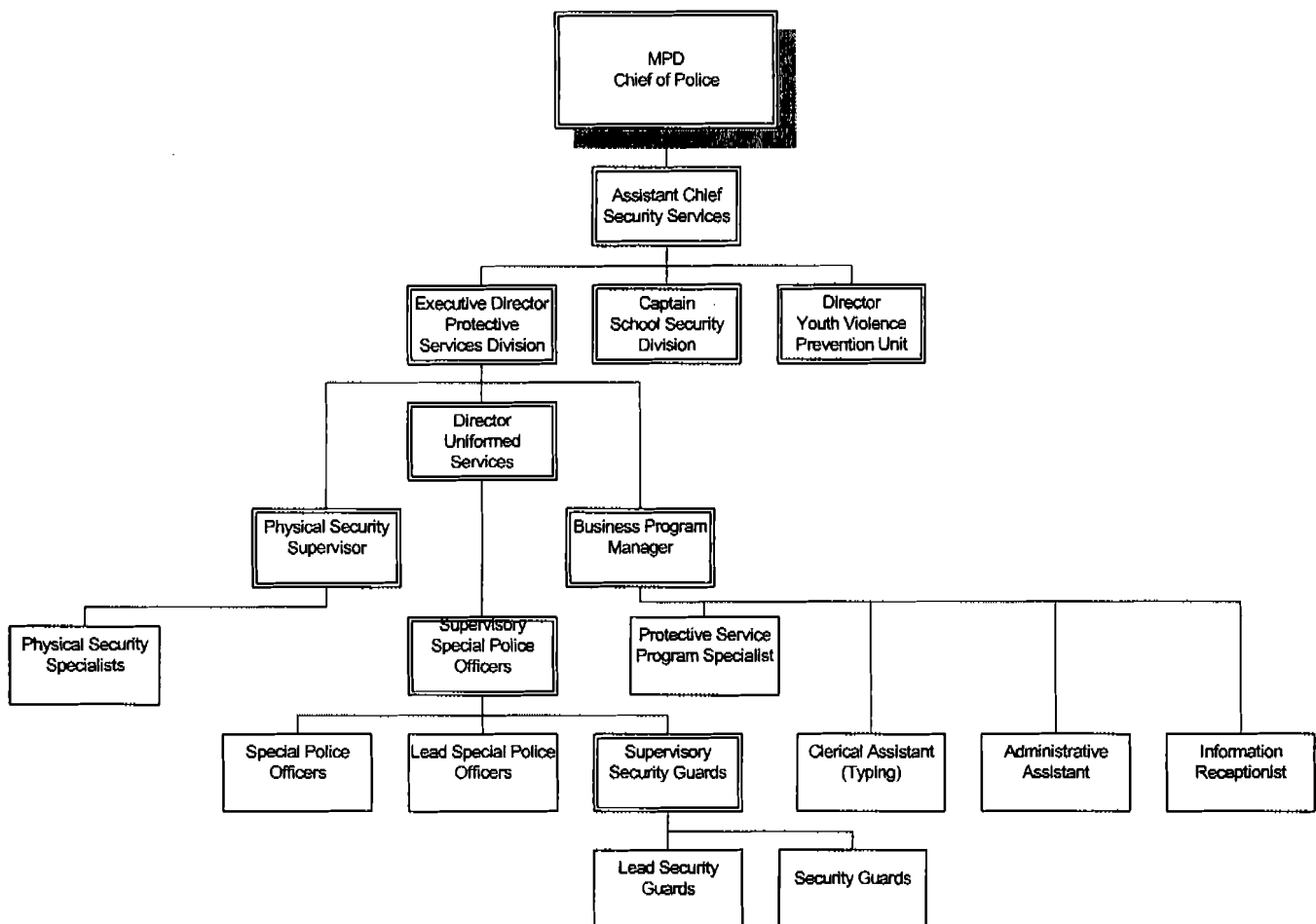
9485

Metropolitan Police Department—Office of Security Services--Existing



9486

Metropolitan Police Department—Office of Security Services—Proposed



9487

F. Staffing Organizational Chart:**Office of Property Management—Protective Services Division—Existing**

Notes:

- After reorganization, none of the positions identified in this organizational chart will remain with OPM
- Police Officer, Supervisory Police Officer, and Lead Police Officer refer to Special Police Officers and not sworn police officers. Salary does not reflect Non-union and MSS pay increase effective July 10, 2005.

Position	Incumbent	Series	Grade	Step	Salary	Funding Source
Protective Service Manager		301	15	1	\$84,441.00	Intradistrict
Protective Services Officer for Law Enforcement		301	14	5	\$82,817.00	Intradistrict
Physical Security Specialist	VACANT	83	12	1	\$48,402.00	Intradistrict
Physical Security, Supervisor	VACANT	80	13	9	\$78,879.00	Intradistrict
Physical Security Specialist	VACANT	301	12	1	\$48,402.00	Intradistrict
Physical Security Specialist	VACANT	301	12	1	\$48,402.00	Intradistrict
Supervisory Police Officer	VACANT	83	13	1	\$64,086.00	Intradistrict
Business Program Manager		2003	12	9	\$66,332.00	Intradistrict
Physical Security Specialist		80	12	10	\$60,239.00	Intradistrict
Protective Service Program Specialist		301	11	6	\$45,267.00	Intradistrict
Supervisory Police Officer		83	11	7	\$52,167.00	Intradistrict
Supervisory Police Officer	VACANT	83	12	1	\$53,893.00	Intradistrict
Supervisory Police Officer		83	10	5	\$48,032.00	Intradistrict
Supervisory Police Officer		83	10	6	\$49,169.00	Intradistrict
Supervisory Police Officer		83	10	6	\$49,169.00	Intradistrict
Lead Police Officer	VACANT	83	7	1	\$34,621.00	Intradistrict
Administrative Assistant	VACANT	301	9	1	\$32,631.00	Intradistrict
Supervisory Security Guard		85	9	8	\$39,622.00	Intradistrict
Supervisory Security Guard		85	9	9	\$40,660.00	Intradistrict
Supervisory Security Guard		85	8	5	\$33,177.00	Intradistrict
Supervisory Security Guard		85	8	7	\$35,051.00	Intradistrict
Supervisory Police Officer		85	8	9	\$44,419.00	Local
Supervisory Police Officer	VACANT	83	8	9	\$44,419.00	Local
Supervisory Police Officer	VACANT	83	8	9	\$44,419.00	Local
Lead Police Officer	VACANT	83	7	1	\$34,621.00	Intradistrict
Lead Police Officer	VACANT	83	7	1	\$34,621.00	Intradistrict
Lead Security Guard		85	7	6	\$36,220.00	Intradistrict
Lead Police Officer		83	7	10	\$44,930.00	Intradistrict
Lead Police Officer		83	7	10	\$44,930.00	Intradistrict
Lead Police Officer		83	7	10	\$44,930.00	Intradistrict
Police Officer		83	6	2	\$34,528.00	Intradistrict
Security Guard		85	6	4	\$30,969.00	Intradistrict
Security Guard		85	6	4	\$30,969.00	Intradistrict
Security Guard		85	6	5	\$31,859.00	Intradistrict
Police Officer	VACANT	83	6	2	\$34,528.00	Intradistrict
Police Officer	VACANT	83	6	2	\$34,528.00	Intradistrict
Security Guard		85	6	4	\$30,969.00	Intradistrict
Police Officer		83	6	5	\$37,201.00	Intradistrict
Police Officer		83	6	6	\$38,092.00	Intradistrict

9488

Position	Incumbent	Series	Grade	Step	Salary	Funding Source
Police Officer		83	6	7	\$38,983.00	Local
Security Guard		85	6	8	\$34,529.00	Intradistrict
Security Guard		85	6	8	\$34,529.00	Intradistrict
Police Officer		83	6	8	\$39,874.00	Local
Police Officer		83	6	8	\$39,874.00	Local
Police Officer		83	6	8	\$39,874.00	Intradistrict
Police Officer		83	6	8	\$39,874.00	Intradistrict
Security Guard		85	6	9	\$35,419.00	Intradistrict
Security Guard		85	6	9	\$35,419.00	Intradistrict
Police Officer		83	6	9	\$40,756.00	Local
Police Officer		83	6	9	\$40,756.00	Local
Police Officer		83	6	10	\$41,656.00	Local
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer		83	6	10	\$41,656.00	Intradistrict
Police Officer	VACANT	83	6	9	\$39,383.00	Intradistrict
Security Guard		85	6	7	\$33,639.00	Intradistrict
Security Guard		85	6	7	\$33,639.00	Intradistrict
Police Officer	VACANT	83	6	9	\$39,383.00	Intradistrict
Clerical Assistant (Typing)	VACANT	303	6	10	\$31,010.00	Intradistrict
Security Guard		85	6	10	\$36,309.00	Intradistrict
Security Guard		85	6	10	\$36,309.00	Intradistrict
Information Receptionist	VACANT	304	4	5	\$22,083.00	Intradistrict
Police Officer		83	6	7	\$38,983.00	Intradistrict
Supervisory Security Guard		85	8	7	\$35,051.00	Intradistrict
Police Officer		83	6	7	\$38,983.00	Intradistrict
Supervisory Security Guard		83	8	9	\$36,926.00	Intradistrict
Security Guard		85	6	9	\$35,419.00	Intradistrict
Security Guard		85	6	10	\$36,309.00	Intradistrict
Police Officer	VACANT	83	6	2	\$34,528.00	Intradistrict
Security Guard		85	6	9	\$35,419.00	Intradistrict
Supervisory Security Guard		85	8	8	\$35,988.00	Intradistrict

Staffing Organizational Chart: Metropolitan Police Department—Security Services Division—Existing

Position	Incumbent	Series	Grade	Step	Salary	Funding Source
Assistant Chief—Security Services		PS	10	2	\$131,106.00	Local
Director, School Safety Division		PS	7	3	\$92,178.00	Local
Lieutenant		PS	5	1	\$70,304.00	Local
Lieutenant		PS	5	4	\$82,557.00	Local
Lieutenant		PS	5	4	\$86,685.00	Local

Staffing Organizational Chart: Metropolitan Police Department—Security Services Division—Proposed

Position	Incumbent	Series	Grade	Step	Salary	Funding Source
Assistant Chief—Security Services		PS	10	2	\$131,106.00	Local
Director, School Safety Division		PS	7	3	\$92,178.00	Local
Lieutenant		PS	5	1	\$70,304.00	Local
Lieutenant		PS	5	4	\$82,557.00	Local
Lieutenant		PS	5	4	\$86,685.00	Local
Executive Director, Protective Services		301	15	1	\$84,441.00	Intradistrict
Director, Uniformed Services		301	14	5	\$82,817.00	Intradistrict
Physical Security Specialist	VACANT	83	12	1	\$48,402.00	Intradistrict
Physical Security, Supervisor	VACANT	80	13	9	\$78,879.00	Intradistrict
Physical Security Specialist	VACANT	301	12	1	\$48,402.00	Intradistrict
Physical Security Specialist	VACANT	301	12	1	\$48,402.00	Intradistrict
Supervisory Special Police Officer	VACANT	83	13	1	\$64,086.00	Intradistrict
Business Program Manager		2003	12	9	\$66,332.00	Intradistrict
Physical Security Specialist		80	12	10	\$60,239.00	Intradistrict
Protective Service Program Specialist		301	11	6	\$45,267.00	Intradistrict
Supervisory Special Police Officer		83	11	7	\$52,167.00	Intradistrict
Supervisory Special Police Officer	VACANT	83	12	1	\$53,893.00	Intradistrict
Supervisory Special Police Officer		83	10	5	\$48,032.00	Intradistrict
Supervisory Special Police Officer		83	10	6	\$49,169.00	Intradistrict
Supervisory Special Police Officer		83	10	6	\$49,169.00	Intradistrict
Lead Special Police Officer	VACANT	83	7	1	\$34,621.00	Intradistrict
Administrative Assistant	VACANT	301	9	1	\$32,631.00	Intradistrict
Supervisory Security Guard		85	9	8	\$39,622.00	Intradistrict
Supervisory Security Guard		85	9	9	\$40,660.00	Intradistrict
Supervisory Security Guard		85	8	5	\$33,177.00	Intradistrict
Supervisory Security Guard		85	8	7	\$35,051.00	Intradistrict
Supervisory Special Police Officer.		85	8	9	\$44,419.00	Intradistrict*
Supervisory Special Police Officer.	VACANT	83	8	9	\$44,419.00	Intradistrict*
Supervisory Police Officer	VACANT	83	8	9	\$44,419.00	Intradistrict*
Lead Special Police Officer	VACANT	83	7	1	\$34,621.00	Intradistrict
Lead Special Police Officer	VACANT	83	7	1	\$34,621.00	Intradistrict
Lead Security Guard		85	7	6	\$36,220.00	Intradistrict
Lead Special Police Officer		83	7	10	\$44,930.00	Intradistrict

9490

9491

Position	Incumbent	Series	Grade	Step	Salary	Funding Source
Security Guard	VACANT	85	6	10	\$36,309.00	Intradistrict
Special Police Officer		83	6	2	\$34,528.00	Intradistrict
Security Guard		85	6	9	\$35,419.00	Intradistrict
Supervisory Security Guard		85	8	8	\$35,988.00	Intradistrict

* These positions were locally funded in the FY2005 OPM budget, but are funded by intradistrict funds in OPM's FY2006.

G. Budget Data

(Relevant to Present and Proposed Operations of Entities to be Reorganized)

i. Impact on financial management system budget structure**I. Control Centers****II. Responsibility Centers**

The MPD and the PSD are under the Performance Based Budgeting (PBB) structure, which does not include Control Centers and Responsibility Centers. During the transition period, the PSD and the MPD will evaluate the existing performance management matrix, which includes the budget service structure and performance measure systems, and revise it as necessary. The revised structure will assist in the MPD's service-level budgeting, which will provide a more detailed budget for the PSD than previous budgets. Additionally, the PSD's performance measure systems and data will be evaluated for accuracy and relevance to the goals of the OSS. The MPD will begin reporting the new performance measure in FY 2006. Because of the timeline for citywide budget development and execution, the Office of the Chief Financial Officer will begin using the revised service structure with the FY 2007 budget.

ii. Impact on budget organization**I. Total budget comparison**

See Appendix A for a comparison of PSD's Fiscal Year (FY) 2005 and FY 2006 budget.

II. Changes in budget organization (grants and appropriated funds combined)

The PSD is not currently using or administering any grant funds. Once the transfer of the PSD is approved, MPD's Grants Unit will begin looking for additional grant opportunities.

III. Changes detailed by grant and appropriated funds by responsibility center

The MPD and the PSD are under the PBB structure, which does not include Control Centers and Responsibility Centers. Moreover, the PSD does not currently have any grant funding.

H. Transition Planning and Employee Protection

i. Transition Planning

A transition team comprised of District government professionals and labor union representatives has been assembled to address issues regarding the transition of the OPM—PSD to the MPD—OSS.

Six subcommittees within the transition team addressed all issues within the following broad categories: 1) Personnel, 2) Uniformed Operations, 3) Budget and Accounting, 4) Contracting and Procurement, 5) Information Technology and 6) Training and Education.

While the transition team identified several areas for recommended action after the transition to the MPD, none of these impacts on the transition of the PSD to the MPD.

ii. Employee Protection

There are 80 full time equivalent positions (FTE's) assigned to the Protective Services Division (PSD) – 70 uniformed personnel and 10 civilian personnel. Seven of the 80 positions are Management Supervisory service (MS) (five uniformed positions and two civilian positions). The remaining 73 are Career Service schedule (CS). There are 17 authorized vacant positions in PSD – 10 uniformed positions and seven civilian positions. Three of the 17 vacant positions are MS (two uniformed and one civilian). Of the current 60 PSD uniformed personnel, 51 are armed Special Police Officers (SPOs). The nine unarmed SPOs were transferred to the PSD on October 1, 2004 from the District of Columbia General Hospital – Security Staff, and have never been armed.

No member of the PSD would lose his/her position as a result of the transfer. The Office of Labor Relations and Collective Bargaining is prepared to negotiate the impact of the transfer and any new or modified conditions of employment with Local 445. Personnel will be given at least a 30-day advance notice of the transfer after Council approval.

I. Training Needs

The Commander of the MPD's Maurice T. Turner, Jr. Institute of Police Science leads the Training and Education subcommittee. The subcommittee has initiated a comprehensive needs assessment that includes a records review and interviews with PSD managers and first line personnel.

Following the review, appropriate lesson plans will be developed, taught, and archived. The fact that lesson plans are to be archived will provide verification should members of the PSD be involved in an incident that calls into question their knowledge, skills, or training.

Notwithstanding the comprehensive review process to determine training and education needs, the Assistant Chief, MPD, will ensure that newly transferred PSD officers undergo required training and education. Significant training courses include use of force, weapons training, supervisory training, terrorism and weapons of mass destruction, and vehicle skills.

APPENDIX A: Protective Services Division FY 2005 & FY 2006 Budget

9496

Fund:	FY 05			FY 06			FY 06 versus FY 05		
	0100	0700	Total	0100	0700	Total	0100	0700	Total
	(4050)	(4040)		(4050)	(4040)		(4050)	(4040)	
Comptroller Source Group									
0011 Regular Pay-Cont. Full Time	297,582	2,896,978	3,194,560	0	2,982,732	2,982,732	(297,582)	85,754	(211,828)
0012 Regular Pay-Other	0	0	0	0	0	0	0	0	0
0013 Additional Gross Pay	55,000	150,000	205,000	0	150,000	150,000	(55,000)	0	(55,000)
0014 Fringe Benefits	56,413	487,516	543,929	0	507,064	507,064	(56,413)	19,548	(36,865)
0015 Overtime Pay	100,000	200,000	300,000	0	200,000	200,000	(100,000)	0	(100,000)
Sub Total Personal Services	508,995	3,734,494	4,243,489	0	3,639,796	3,639,796	(508,995)	105,302	(403,693)
0020 Supplies and Materials	35,000	77,311	112,311	0	77,311	77,311	(35,000)	0	(35,000)
0030 Energy, Comm.	0	50,000	50,000	0	70,000	70,000	0	20,000	20,000
0031 Tele-Communications	0	100,000	100,000	0	106,700	106,700	0	6,700	6,700
0032 Rentals	0	133,830	133,830	0	0	0	0	(133,830)	(133,830)
0033 Janitorial Services	0	30,000	30,000	0	52,177	52,177	0	22,177	22,177
0034 Security Services	0	0	0	0	0	0	0	0	0
0035 Occupancy Fixed Cost	0	0	0	0	0	0	0	0	0
0040 Other Services and Charges	64,201	165,626	229,827	0	165,626	165,626	(64,201)	0	(64,201)
0041 Contractual Services-Other	48,338	17,584,352	17,632,690	0	21,667,038	21,667,038	(48,338)	4,082,686	4,034,348
0070 Equipment & E. Rental	40,000	185,000	225,000	0	185,000	185,000	(40,000)	0	(40,000)
Sub Total Nonpersonal Services	87,539	18,263,519	18,351,058	0	22,023,852	22,023,852	(87,539)	4,267,732	4,180,193
Grand Total PPS & NPS	696,534	22,060,813	22,757,347	0	26,163,648	26,163,648	(696,534)	4,373,034	4,306,501

FTE

	0100	0700	Total	0100	0700	Total	(0)	(0)	(0)
Filled	8	56	64						
Vacant	1	15	16						

Source: Office of the Chief Financial Officer

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, NW, SUITE 200, WEST TOWER,
WASHINGTON, DC 20005

NOTICE

**FORMAL CASE NO. 1044, IN THE MATTER OF THE EMERGENCY APPLICATION OF
THE POTOMAC ELECTRIC POWER COMPANY FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO CONSTRUCT TWO 69KV OVERHEAD
TRANSMISSION LINES AND NOTICE OF THE PROPOSED CONSTRUCTION OF TWO
UNDERGROUND TRANSMISSION LINES**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to D.C. Code Section 34-302¹ and Chapter 21, Title 15 District of Columbia Municipal Regulations ("DCMR"),² of its consideration of the Emergency Application of the Potomac Electric Power Company ("PEPCO") for a Certificate of Public Convenience and Necessity ("CPCN") to Construct Two 69kV Overhead Transmission Lines and Notice of the Proposed Construction of Two 230kV Underground Transmission Lines.³

2. On October 12, 2005, PEPCO filed an Emergency Application for a Certificate of Public Convenience and Necessity to Construct Two 69kV Overhead Transmission Lines and Notice of the Proposed Construction of Two 230kV Underground Transmission Lines ("Emergency Application"). PEPCO asserts the emergency conditions described in the application warrant that the Commission establish an expedited review process, which includes: 1) issuing an Order, not later than December 31, 2005, granting PEPCO a CPCN for the construction of two overhead 69kV transmission lines; 2) incorporating and consolidating into the Commission's community hearings process the Community Advisory Group process anticipated by Rule 2107 for the overhead 69kV lines;⁴ 3) waiving the six-month prior to construct notice filing requirement for the two underground 230kV transmission lines; 4) reducing the 90-day intervention period in Rule 2111.4 to 10 or fewer

¹ D.C. Code, 2001 Ed. § 34-302(2001 Ed.).

² 15 DCMR § § 2100-2199.

³ *Formal Case No. 1044, In the Matter of the Emergency Application of the Potomac Electric Power Company for a Certificate of Public Convenience and Necessity to Construct Two 69kV Overhead Transmission Lines and Notice of the Proposed Construction of Two Underground 230kV Underground Transmission Lines* ("F.C. 1044"), Emergency Application of the Potomac Electric Power Company for a Certificate of Public Convenience and Necessity to Construct Two 69kV Overhead Transmission Lines and Notice of the Proposed Construction of Two Underground 230kV Underground Transmission Lines ("PEPCO Emergency Application"), filed October 12, 2005. Although filed as one Emergency Petition, PEPCO has actually filed two notices. Under the Commission's rules, there are several different procedural requirements for the two different types of constructions.

⁴ 15 DCMR § 2107.

days for the 230kV lines;⁵ and 5) issuing an Order notifying PEPCO that the Commission shall not take any action to initiate a formal investigation of PEPCO's proposed construction of the two underground 230kV lines.⁶

3. PEPCO has filed a proprietary and a non-proprietary version of the Emergency Application with the Commission. The non-proprietary version of the Emergency Application can be reviewed at the Office of the Commission Secretary, 1333 H Street, N.W., Seventh Floor, East Tower, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday. Copies of the Emergency Application are also available upon request, at a per-page reproduction cost.

4. Persons wishing to intervene in this proceeding must file a request with Freda A. James, Acting Commission Secretary, at the above address within 10 days of the date of publication of this Notice in the *D.C. Register*. In their petitions for intervention, interested persons should comment on the appropriateness of the Commission altering some of our procedural requirements for the construction of transmission facilities in accordance with PEPCO's requests. After the expiration of the 10-day intervention period, the Commission will issue an Order establishing a procedural schedule, and addressing any other procedural matters, if necessary.

⁵ Specifically, this rule states: "[t]he Commission shall entertain petitions filed by any interested person within ninety (90) days of the date of a formal notice provided under § 2111.4 for the Commission to investigate the reasonableness, safety and need for the underground transmission line or substation." 15 DCMR § 2111.4. Although PEPCO calls this rule a "90-day intervention period," it is actually not a request to intervene but a petition to investigate the reasonableness of, safety of, or need for the underground transmission lines.

⁶ *F.C. 1044*, Emergency Application at 1. The Commission is unsure whether PEPCO wishes us to issue an Order stating that we will forgo investigation of the reasonableness, safety and need for the construction of the two 230kV underground transmission lines as outlined in 15 DCMR § 2111.5 or whether the company wishes us to forego an investigation pursuant to the Commission's general investigatory powers.



SECRETARY OF THE
DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE
OFFICE OF THE SECRETARY
OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20001

Final Decision

Appeal of: John E. Cunningham

Matter No: 417409

Date: September 21, 2005

Arnold R. Finlayson, Esq., Director, Office of Documents and Administrative Issuances, participated in the preparation of this decision.

Introduction

The above-captioned matter is before the Secretary of the District of Columbia for consideration of an administrative appeal to the Mayor¹ under the D.C. Freedom of Information Act ("D.C.-FOIA")² which was filed by

¹ By Mayor's Order 97-177, dated October 9, 1997, the Secretary of the District of Columbia was delegated the authority vested in the Mayor to render final decisions on certain administrative appeals and petitions for review.

² Pursuant to section 207(a) of the D.C.-FOIA, "[a]ny person denied the right to inspect a public record may petition the Mayor to review the public record to determine

Mr. John E. Cunningham (hereinafter the "appellant").

The issue presented on appeal is whether an arrest report prepared by an arresting officer of the Metropolitan Police Department ("MPD") was properly withheld from disclosure to a requester who sought such information under the D.C.-FOIA.

Background

The appellant is an inmate who is presently incarcerated at the Rivers Correctional Institution, a low security prison in Winton, North Carolina.

Although the Office of the Secretary was not provided with a copy of the underlying D.C.-FOIA request with the administrative appeal, the letter to the Mayor indicates that the appellant wrote MPD and "specifically requested all information associated with PDID # 304095." Appeal Letter ¶ 6.

The appellant's D.C.-FOIA request was partially denied by MPD in a letter, dated April 22, 2004, which advised him, in relevant part, as follows:

This is to inform you that your request for information from the Metropolitan Police Department (MPD) is available to you in part. The incident/offense report (PD251) is a public document that is available to you. MPD maintains 2 (two) years of these records on-site, the remainder is stored off

whether it may be withheld from public inspection." D.C. Official Code § 2-537(a).

OCT 21 2005

site at the Federal Records Repository in Suitland, Maryland. We will forward the PD251 s to you as soon as we receive them. The arrest report (PD163) is not a public document, and is not available to you. MPD's arrest book is public information, and the information is enclosed.

Letter dated April 22, 2004 from S. Gantt, Management Analyst, Records Division, to Mr. H. E. Cunningham, Fed. Reg. No. 11191-097, Rivers Correctional Institution.³

The letter further informed the appellant of his right to appeal to the Mayor if he was dissatisfied with MPD's decision.⁴

Dissatisfied with MPD's response to his D.C.-FOIA request, the appellant filed the instant administrative appeal in which he asserts that "[t]he denial of the PD 163 is devoid of any specific reason for the denial, and or authority supporting the denial. Essentially, the denial is in violation of D.C. Code § 2-533(a)(1)." Appeal Letter ¶ 5.

³ "The PD 163 is the basic prosecution report that contains the arrestee's background information (name, physical description, address, date of birth, employment, and the names of relatives); information about the arrest; witnesses; and charges, and a factual narrative about the arrest incident." D.C. CRIMINAL JUSTICE SYSTEM, Better Coordination Among Participating Agencies (GAO-01-187) (March 2001).

⁴ The partial denial letter did not advise the appellant of his right to, alternatively, "seek immediate judicial review of the denial in the D.C. Superior Court." 1 DCMR § 412.1 (June 2001).

On appeal, the relief that the appellant is requesting is "that the denial of the PD 163 be reversed." Appeal Letter ¶ 7.

As more fully stated below, because this office agrees with the appellant that MPD's denial letter did not satisfy the requirements of D.C. Official Code § 2-533,⁵ the instant appeal is required to be sustained, in part, on procedural grounds, and remanded for additional information which meets the requirements of the aforesaid provision and the D.C.-FOIA's implementing regulations published at 1 DCMR § 407 entitled "'Responses to Requests."

Following a general overview of the D.C.-FOIA, this

⁵ D.C. Official Code § 2-533, entitled "**Letters of denial**" provides, relevant part, as follows:

(a) Denial by a public body of a request for any public records shall contain at least the following:

(1) The specific reasons for the denial, including citations to the particular exemption(s) under § 2-534 relied on as authority for the denial;

(2) The name(s) of the public official(s) or employee(s) responsible for the decision to deny the request; and

(3) Notification to the requestor of any administrative or judicial rights to appeal under § 2-537.

decision discusses the propriety of MPD's response to the appellant's D.C.-FOIA request.

General Overview of the D.C.-FOIA

The D.C.-FOIA, like the federal FOIA upon which it was modeled, was enacted in 1976 to divest government officials of broad discretion in determining what, if any, government records should be made available to the public upon the receipt of a request for information. See Subcommittee on Administrative Practice & Procedure of the Senate Committee on Judiciary, 95th Cong., 2d. Sess., *Freedom of Information: A Compilation of State Laws* (Comm.Print 1978); see also Washington Post v. Minority Business Opportunity Commission, 560 A.2d 517, 521 (D.C. 1989). In this regard, the D.C.-FOIA was "designed to promote the disclosure of information, not inhibit it." Id.

The D.C.-FOIA embodies "[t]he public policy of the District of Columbia . . . that all persons are entitled to full and complete disclosure of information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531; see Donahue v. Thomas, 618 A.2d 601, 602 n.2 (D.C. 1992); Newspapers, Inc. v. Metropolitan Police Department, 546 A.2d 990, 993 (D.C. 1988); Barry v. Washington Post Company, 529 A.2d 319, 321 (D.C. 1987).

In order to accord full force and effect to the spirit and intent of the D.C.-FOIA, officials of District of Columbia public bodies are required to construe its provisions "with the view toward expansion of public access and the minimization of costs and time delays to persons requesting information." D.C. Official Code § 2-531; see Washington Post, 560 A.2d at 521; Newspapers, Inc., 546 A.2d at 993. Thus, the policy underlying the D.C.-FOIA favors the broad disclosure of official records in the possession, custody or control of public bodies of the government of the District of Columbia, unless such records (or portions thereof) fall squarely within the purview of one or more of the twelve (12) categories of information which are expressly exempted from the disclosure mandate. See Washington Post, supra; Newspapers, Inc., supra. The statutory exemptions enumerated in the D.C.-FOIA, which protect certain types of confidential and/or privileged information from disclosure, "are to be construed narrowly, with ambiguities resolved in favor of disclosure." Washington Post, supra.

D.C.-FOIA's Broad Disclosure Mandate and Exemption Scheme

Keeping the above-enunciated principles in the general overview of the D.C.-FOIA in mind, section 202(a) of the D.C.-FOIA provides that "[a]ny person has [the] right to

inspect, and at his or her discretion, to copy any public record of a public body, except as otherwise expressly provided by § 2-534." D.C. Official Code § 2-532(a) (emphasis added).

Section § 2-534 of the D.C. Official Code, conspicuously entitled "**Exemptions from disclosure**," in turn, enumerates twelve (12) categories of information which "may⁶ be exempt from disclosure under the provisions of [the D.C.-FOIA]." D.C. Official Code § 2-534(a)(1)-(11) (emphasis added).⁷

Furthermore, and particularly important, the delimiting language of section 534 makes it clear that the exemptions from disclosure enumerated in the D.C.-FOIA are

⁶ In the legal sense, the "use of the word 'may' in a statute ordinarily denotes discretion." In re Langon, 663 A.2d 1248 (D.C. 1995). Indeed, the federal FOIA has been interpreted by federal courts to permit agencies to make discretionary disclosures of records otherwise exempt under at least four of the exemptions to the federal FOIA. See Bartholdi Cable Co. v. FCC, 114 F.3d 274, 282 (D.C. Cir. 1997) ("FOIA's exemptions simply permit, but do not require, an agency to withhold exempted information").

⁷ Taken together, sections 2-532(a) and 2-534 of the D.C. Official Code clearly mandate full disclosure of all public records maintained by District public bodies, to the extent that such records (or any reasonably segregable portions thereof), do not fall within the ambit of any of the statutory exemptions. See Barry v. Washington Post Co., 529 A.2d 319, 321 (D.C. 1987) ("The [D.C.-FOIA] provides for full disclosure unless the information requested is exempted under a specific statutory provision").

exclusive in nature by explicitly stating that "[t]his section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section." D.C. Official Code § 2-534(c) (emphasis added).⁸

Discussion

As a threshold matter, the D.C.-FOIA requires the mandatory disclosure of "public records" not expressly exempted from disclosure under D.C. Official Code § 2-534.

The D.C.-FOIA is a part of the District of Columbia Administrative Procedure Act ("D.C.-APA") and the term "public record" has the same meaning as defined in section 3 of the D.C.-APA. See D.C. Official Code § 2-539 (incorporating by reference the D.C.-APA's definition of public record).

According to section 3 of the D.C.-APA, "[t]he term 'public record' includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary

⁸ This office has previously opined that, like the federal FOIA, the D.C.-FOIA's "statutory exemptions are intended to be exclusive" and, as such, they "cannot [be] enlarge[d] or extend[ed] . . . beyond the limits set by the [D.C.-FOIA]." *Appeal of Dan Keating, Database Editor, The Washington Post*, Matter No. FY0412, dated February 23, 2004, 51 DCR 2540, 2548 n. 4 (March 5, 2004) (quoting *FAA Administrator v. Robertson*, 422 U.S. 255, 262 (1975) (U.S. Supreme Court held that the federal FOIA's exemptions were "explicitly exclusive")).

materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body. *Public records include information stored in an electronic format.*" D.C. Official Code § 2-502(18) (emphasis added).

Based on the broad definition of "public record" contained in the D.C.-APA (and expressly incorporated into the D.C.-FOIA), it is abundantly clear that the MPD's Arrest/Prosecution Report (PD 613) sought by the appellant is a "public record" and, as such, it subject to the disclosure requirements of the D.C.-FOIA.

Having determined that the PD 163 sought by the appellant was a public record within the meaning of the D.C.-FOIA, the only relevant issue that remains for this office to address is whether MPD "has (1) 'improperly' (2) 'withheld' (3) '[public] records.'" United States Department of Justice v. Tax Analysts, 492 U.S. 136, 142 (1989) (quoting Kissinger v. Reporters Committee for Freedom of Press, 445 U.S. 136, 150 (1980)).⁹ A public record is improperly withheld from

⁹ There is a dearth of case authority from the District of Columbia Court of Appeals interpreting the provisions of the D.C.-FOIA and, in the few discoverable published opinions located during this office's research, none of them are relevant to the outcome of the present appeal. However, under circumstances where, as here, a "statute is

disclosure by a public body if it does not fall within one or more of the specific exemptions enumerated in the D.C.-FOIA. See Tax Analysts v. United States Department of Justice, 845 F.2d 1060, 1064 (D.C. Cir. 1988) (the "'refusal to release documents that are in [an] agency's 'custody' or 'control' for any reason other than those set forth in the Act's enumerated exceptions would constitute 'withholding.'"). In this regard, "[n]either an agency nor a court may impose its own additional criteria as to when disclosure is proper; the settled policy of the FOIA is one of 'full agency disclosure unless information is exempted under clearly delineated statutory language.'" Id. (quoting S. Rep. No. 813, 89th Cong., 1st Sess. 3 (1965)).

In the instant matter, MPD did not cite any of the D.C.-FOIA's exemptions in support of its decision that the entire contents of the PD 163 in the appellant's case was

borrowed extensively from a federal statute, as the D.C.-FOIA was from the federal Freedom of Information Act . . . the decisions of the (federal) court of last resort are normally adopted with the statute." Donahue v. Thomas, 618 A.2d 601, 602 n. 3 (D.C. 1992) (quoting Lenaetts v. District of Columbia Dep't of Employment Services, 545 A.2d 1234, 1238 n.9 (D.C. 1988)). Therefore, "except where the two acts differ . . . case law interpreting the federal FOIA [is] instructive authority with respect to our own Act." Washington Post, supra, 560 A.2d at 521 n.5.

protected from disclosure. Therefore, it is necessary to remand this matter to MPD for a proper response in accordance with the requirements of the D.C.-FOIA and its implementing regulations.

Conclusion

For the reasons set forth above, the present appeal is sustained, in part, on procedural grounds, and remanded to MPD to provide a response that meets the specific requirements of D.C. Official Code § 2-533 and 1 DCMR § 407.2

On remand, MPD, in accordance with D.C. Official Code § 2-534(b), is further directed to address whether any portion(s) of the PD 163 can be reasonably segregated from the exempt information and disclosed to the appellant.

MPD shall submit a written response to the Office of the Secretary, with a courtesy copy to the appellant, within ten (10) working days of its receipt of this final decision of its determination on remand.

MPD is further directed to provide a written certification to the Mayor (via the General Counsel to the Mayor), with a copy to the Office of the Secretary, indicating its compliance with this decision, or the

reasons for noncompliance with any of the directives of this decision.

This constitutes the final decision of the Secretary of the District of Columbia in this matter.

/s/

SHERRYL HOBBS NEWMAN
SECRETARY OF THE DISTRICT OF COLUMBIA

COPIES TO:

Terry Ryan, Esq.
General Counsel
Metropolitan Police Department
300 Indiana Avenue, N.W.
Room 4125
Washington, D.C. 20001

Sgt. Joseph C. Gentile
FOIA Officer
300 Indiana Avenue, N.W.
Room 5080
Washington, D.C. 20001

John E. Cunningham
Fed. No. 11191-0007
Rivers Correctional Institution
P.O. Box 630
Winton, North Carolina 27986

Leonard Becker, Esq.
General Counsel to the Mayor
1350 Pennsylvania Avenue, N.W.
Suite 327
Washington, D.C. 20004

Mayor's Correspondence Unit

Office of the Secretary of the
District of Columbia

October 6, 2005

Notice is hereby given that the following named persons have been appointed as Notaries Public in and for the District of Columbia, effective on or after November 1, 2005.

Acosta, Cara L.	Rpt	Tobin O'Connor et al 5335 Wis Ave,NW#700 20015
Allen, Linda M.	Rpt	Public Defender Service 2700MLK Ave,SE BH#115 20032
Blakeney, Joy L.	Rpt	7114 7 th St,NW 20012
Brown, Veronica A.	Rpt	Shearman & Sterling 801 Pa Ave,NW#900 20004
Brownlee, Linda R.	Rpt	Adoption Ctr of Wash 1726 M St,NW#1101 20036
Burke, Cornell B.	Rpt	G T Univ/Athletics Dept 3700 O St,NW 20057
Chincilla-Ruiz, Martha	Rpt	Catholic Immigration Serv 1720 I St,NW#607 20006
Crowley, Edwin G.	Rpt	Ace Federal Reporters 1120 G St,NW 20005
Fesseha, Guenet	Rpt	Arnold & Porter 555 12 th St,NW#1014M 20004
Hall, Darlene D.	Rpt	H U D/O I G 451 7 th St,SW#8260 20410

Jackson, Karen A.	Rpt Venable 575 7 th St,NW 20004
Kerns, Faye M.	Rpt Holladay Corporation 3400 Idaho Ave,NW#500 20016
Lebby, Jannie I.	Rpt 1824 Kilbourne Pl,NW 20010
Lush, Susan	Rpt Foley & Lardner 3000 K St,NW#500 20007
Mason, Nancy E.	Rpt Kennedy Center 2700 F St,NW 20566
Nisson, Deborah C.	Rpt Amalgamated Bank 1825 K St,NW 20006
Nolan, Teresita V.	Rpt John Paul II Inst 415 Mich Ave,NE#225 20017
Rogers, Sandra M.	Rpt MedStar Health 110 Irving St,NW#2A-2 20010
Slater, Patricia A.	Rpt Bristol-Myers Squibb 655 15 th St,NW3300 20005
Smith, Marlisa	Rpt Sun Trust Bank 900 17 th St,NW 20006
Taylor, Laura L.	Rpt Holliday Fenoglio Fowler 1155 Conn Ave,NW 20036
Turner, Ralph O.	Rpt Northside Med Services 4121 Minn Ave,NE 20019

Serve DC
(DC Commission on National and Community Service)

Public Meeting

Summary: The mission of the DC Commission on National and Community Service is to promote the District of Columbia's spirit of service through national service, partnerships and volunteerism.

The DC Commission on National and Community Service is pleased to announce its next Commission meeting on October 21st at 1:00 p.m. at King-Greenleaf recreation Center at 201 N Street, SW.

All meetings are open to the public. Meeting minutes can be obtained from 441 4th Street NW, Suite 1040S, Washington, DC 20001. For additional information or to request a copy of the minutes please call 202/727-7925.

OCT 21 2005

ZONING COMMISSION NOTICE OF FILING
Case No. 05-33
(Text Amendments to Create §§ 3202.8 – 3202.11)
October 6, 2005

THIS CASE IS OF INTEREST TO ALL ANC's

On September 15, 2005, the Office of Zoning received a request from Advisory Neighborhood Commission 3D (the "Applicant") requesting from the Zoning Commission approval of text amendments of the Zoning Regulations.

The petitioner is proposing to create new §§ 3202.8 through 3202.11 regarding Building Permits.

For additional information, please contact, the Secretary to the Zoning Commission at (202) 727-6311.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

and

Order No. 04-16

Case No. 04-16

July 11, 2005

The full text of this Zoning Commission order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.

ZONING COMMISSION ORDER NO. 04-37
Z.C. Case No. 04-37
(PUD and Map Amendment -- Eastgate Senior Residences)
September 15, 2005

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on May 23, 2005 to consider an application from the District of Columbia Housing Authority ("DCHA"), A&R Development Corporation ("A&R"), and The Henson Development Company ("THC", and together with DCHA and A&R, the "Applicant") for consolidated review and approval of a Planned Unit Development ("PUD") and related map amendment, pursuant to Chapter 24 of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022 for contested cases.

FINDINGS OF FACT

The Application, Parties and Hearing

1. On December 17, 2004, the Applicant filed an application for consolidated review and approval of a PUD and related zoning map amendment (the "Application") for a triangular shaped lot bounded by Anacostia Road to the north, Ridge Road to the west and B Street to the south and east (Square 5409, Lots 22-25) (the "PUD Site").
2. On January 13, 2005, the Zoning Commission decided to schedule a public hearing on the Application. After proper notice, the Zoning Commission opened and completed the public hearing on May 23, 2005. The only party in attendance was the Applicant, although Advisory Neighborhood Commission ("ANC") 7A, the boundaries of which include the PUD Site, had party status as well.
3. Under the PUD process of the Zoning Regulations, the Zoning Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines and standards that may exceed or be less than the matter-of-right standards identified for height, floor area ratio (FAR), lot occupancy, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions that would otherwise require approval by the Board of Zoning Adjustment (BZA).

OCT 21 2005

4. At its July 11, 2005 meeting the Zoning Commission took proposed action by a vote of 5-0-0 to approve with conditions the Application and plans presented at the public hearing.
5. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission ("NCPC") under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by action dated July 28, 2005, found that the proposal would neither adversely affect the federal interest nor be inconsistent with the Comprehensive Plan for the National Capital.
6. The Zoning Commission took final action to approve the Application on September 15, 2005.

The Site and the Area

7. The Property consists of approximately 54,538 square feet of land constituting Lots 22, 23, 24 and 25 in Square 5409 (pending processing of application for consolidation of lots into Lot 26, Square 5409) in Southeast Washington, D.C. The site is currently zoned R-5-A (Low-Density Apartments/General Residential), which allows a maximum density of 0.9 FAR and a maximum building height of three stories and 40 feet as a matter of right and 1.0 FAR and 60 feet with a PUD.
8. The PUD Site is located between Anacostia Road, S.E. to the north, Ridge Road, S.E. to the west and B Street, S.E. to the south and east. The property is triangular in shape with a limited amount of natural vegetation. The proposed building will be situated generally in the eastern portion of the lot with parking and open space occupying the western-most side. Roughly one-third (1/3) of an acre at the intersection of Anacostia Road and B Street will remain open space. The site of the proposed senior housing development was formerly part of the Stoddert Terrace multi-family public housing complex, which was built in 1960. However, the site has been vacant since the former housing complex was cleared by DCHA in 1998.
9. The Application requested a zone change from R-5-A to R-5-B as part of the Application because the proposed building exceeds the bulk limits of the R-5-A zone. The proposed height of the building, however, could be accomplished within the 60-foot height limit allowed in R-5-A with a PUD.
10. The surrounding land use context in this section of the Marshall Heights neighborhood is predominantly residential. The residential development across Anacostia Road is composed of single-family homes. Across B Street there are two-story detached homes that are accessible from an alleyway. Across Ridge Road and part of B Street here exists a mixture of two- and three-story garden apartments that are public housing facilities owned and operated by DCHA. The

above-cited residential areas are zoned R-5-A, a designation that allows the various types of residential development that currently exist.

11. Public transportation serves the PUD Site well, with Metrobus stops along adjacent streets. The availability of public transportation will improve the percentage of senior housing residents commuting by public transit and reduce automobile dependence.

The PUD Project

12. The proposed apartment building will have 100 one-bedroom senior units. The height of the proposed building is four stories and 49' 10". The gross floor area ("g.f.a.") as designed is 88,582 square feet, which equals a density of 1.62 floor area ratio ("FAR") on the lot area of 54,538 square feet. Lot occupancy is 43 percent.
13. The development design maximizes the amount of green space and is well under the building coverage allowed for property zoned R-5-B. The existing roadways of Anacostia Road and B Street will provide vehicular access to the site.
14. The exterior of the building will consist of two colors of brick and two colors of vinyl siding. The other exterior material will be an External Insulating and Finishing System ("EIFS"), which will provide added energy efficiency and visual appeal. The building has been oriented to ensure that the overall design of the apartment building will be contextual with the surrounding neighborhood.
15. The current configuration of air conditioning units for each apartment will ensure that the visibility of the units will be masked by matching the units to the color of the building. At the public hearing, the Applicant presented sample photographs of the finished product based on a similar project in the area.
16. The building will provide special amenities for seniors, including grandparents' room, exercise room, health care, security and convenient access to public transportation.
17. The parking area is located on the corner of Anacostia Road and B Street to maximize green space, and the associated landscaping will diminish the impact of the surface parking and provide a buffer for the residential units. The parking lot is also oriented so that it is perpendicular to the nearby residential homes, minimizing the visual impact even further. A six-foot (6') brick screen wall with wooden doors will be used to screen the service and loading areas. This service area will contain an emergency generator, trash containers, electrical transformers and other mechanical equipment for the building. Landscaping will also be used

OCT 21 2005

- to soften the impact of the screen wall and provide an additional buffer surrounding the service area.
18. The landscaping plan provides for adequate open space and a pedestrian friendly environment. The landscaping will include brick pavers and stamped asphalt for selected areas, such as the sitting areas, to create attractive spaces for residents to use for rest and relaxation. The landscaping plan proposes a mix of architectural (building façade) and pedestrian-scale lighting that is mounted at lower heights to optimize its utility for pedestrians. One of the significant features of the site plan is its recognition of the therapeutic value of the landscaping for senior residents. The inner courtyard will contain numerous shrubs and ornamentals that will provide seasonal color as well as fragrances, inviting residents to use the site for walking and exercise.
 19. The Applicant has entered into a First Source Agreement wherein it has agreed to use the Eastgate Community Supportive Services Program and the District of Columbia Department of Employment Services as the first source for recruitment, referral and placement of employees. In addition, the Applicant will enter into a Local, Small and Disadvantaged Businesses Memorandum of Understanding ("LSDBE MOU") with the District of Columbia.
 20. In response to requests by the Zoning Commission at the public hearing, the Applicant submitted a Post-Hearing Submission on June 20, 2005 that addressed several issues. This submission clarified issues regarding the possible use of African-inspired brickwork, copies of revised elevations and plans, a materials sample board and a written description of potential changes to the pocket park. This submission also provided documentation of the Applicant's First Source employment agreement.
 21. As addressed in the Applicant's Pre-Hearing Statement and in testimony at the public hearing, the following public benefits and project amenities will be created as a result of this project.
 - a. Comprehensive Plan: Major Themes. The proposed new senior housing exemplifies many of the 10 Major Themes set forth in the Comprehensive Plan, including: "Stabilizing and improving the District's neighborhoods;" "Respecting and improving the physical character of the District and "Providing for diversity and overall social responsibilities."
 - b. Comprehensive Plan: Low-and Moderate-Income Housing. One of the objectives listed in the Comprehensive Plan is "[t]o provide for the housing needs of low- and moderate-income residents."
 - c. Comprehensive Plan: Policy Objectives. The following policies designated in the Comprehensive Plan: "Continue to rehabilitate and improve the

District's public housing stock to meet current housing standards . . .", "Develop and encourage the use of the most energy efficient systems and methods for insulating, heating, and cooling multi-unit low- and moderate-income rental housing" and "Continue the city's comprehensive effort to address the number and percentage of vacancies within the District's public housing inventory."

- d. Comprehensive Plan: Elderly Housing. The Comprehensive Plan includes a specific elderly housing objective, "to provide for the housing needs of elderly households and to reduce the overall cost of housing among elderly household." This project directly furthers this policy by establishing "... as a matter of major governmental priority the production of housing for elderly households," continues "... comprehensive efforts to modernize and upgrade District-owned housing for the elderly projects," assists in the continued "improve[ment of] the District's publicly owned housing for the elderly units," and furthers "[z]oning and health regulations . . . designed to promote an increase in supply, security, and affordability of housing for the elderly."
- e. The Comprehensive Plan: Land Use. The Comprehensive Plan requires that the city's "[l]and use policies must ensure that all neighborhoods have . . . sufficient housing opportunities to accommodate a range of needs," and the Generalized Land Use Map of the Land Use Element designates the PUD site for "Moderate Density Residential" use and development. The Office of Planning has consistently considered the R-5-B District to be "not inconsistent" with the Moderate Density Residential designation. In this case, the proposed density of 1.62 FAR is also within the moderate range. The proposed height of forty nine feet ten inches (49' 10") is less than the allowed sixty feet (60') of height for a PUD in either the existing R-5-A or requested R-5-B zones.
- f. Comprehensive Plan: Ward 7 Element. This project is true to the focus of the Ward 7 plan, which requires that the city "[p]rovide for the housing needs of the elderly and to reduce their overall housing costs" and provide "a wider range of housing opportunities for the elderly." The Ward 7 plan also states that "emphasis should be given to low cost affordable housing for the elderly in Ward 7."
- g. Attractive architecture, urban design and landscaping. The proposed development will assist in the provision of senior housing on a lot that will retain significant amounts of open space. The development proposed in this PUD contains attractive urban design features and new landscaping. The project ensures that open space will be maintained and upgraded to create a more pleasant and interactive environment for residents and guests. The building will be compatible in scale and design with the surrounding

OCT 21 2005

neighborhood. The landscaping plan will enhance both the private and public open spaces of the property. The apartment building includes superior functional areas for the use of the future residents, including a grandparents' room, health care, security and convenient access to public transportation.

- h. Minimal Transportation Impacts. The proposed elderly housing development will generate an usually low level of automobile travel in and out of the site. The PUD Site is served by Metrobus routes and is close to Metrorail.
- i. HOPE VI Amenities. The fact that this site is included in the New Eastgate HOPE VI development will allow residents to access additional social services and local residents will be eligible for enhanced job creation and training activities. Tenants of the Eastgate Senior Residences will be members of the Eastgate Residents Association Community Development Corporation ("ERA CDC") which is a Section 501(c)3 nonprofit that will manage and oversee the community and supportive services for residents of the HOPE VI developments. Through its case managers, ERA CDC will interview residents to determine their individual needs and assist them in obtaining job training, homeownership opportunities and skills training. In addition, residents will have health and emergency services provided by an array of social service partners. The Eastgate Senior Residences tenants will also be targeted with on-site healthcare management in the wellness room provided. Nurses will be able to conduct medical exams, develop treatment/case management plans and conduct follow-up visits as required. Health management services will address hypertension, diabetes, respiratory illness, and depression and other emotional or mental illness. The HOPE VI plan also targets Eastgate Senior Residences tenants for life-enrichment services promoting independent living for the senior and disabled adult population. The program will focus on transportation and daily living activities and will offer the services of the Kenning Institute, an affiliate of Duke University's Center for the Study of Aging and Human Development.

Office of Planning Report

- 22. By report dated January 3, 2005 and by testimony presented at the public hearing, the Office of Planning ("OP") recommended approval of the Application, stating "OP strongly supports the provision of housing specifically geared towards low to moderate income, elderly residents. This development will enable DCHA to better allocate its housing resources to the residents they serve. OP believes that the proposed PUD is not inconsistent with the elements of the Comprehensive Plan . . ."

Reports of Other Agencies

23. By report dated May 6, 2005, the D.C. Department of Transportation stated that "additional traffic generated by this project will have no significant impact in terms of capacity and level of service on the surrounding intersections."

Advisory Neighborhood Commission 7A

24. Advisory Neighborhood Commission 7A ("ANC 7A") did not submit a statement at the public hearing or in the record. The Applicant presented plans to ANC 7A on several occasions.

Other Community Organizations/Members

25. Letters in support of the PUD application were submitted to the record from the Eastgate Redevelopment Association, Marshall Heights Community Development Organization, the Fort Dupont Civic Association, Dupont Commons Homeowners Association Board of Directors, LaTanya Hill, Kenneth Council and Delores Wade.

CONCLUSIONS OF LAW

1. The PUD process is an appropriate means of controlling development of the site in a manner consistent with the best interests of the District of Columbia.
2. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality developments that provide public benefits, 11 DCMR § 2400.1. The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare and convenience," 11 DCMR § 2400.2.
3. The development of this PUD project carries out the purposes of Chapter 24 of the Zoning Regulations to encourage well-planned developments that will offer a variety of building types with more efficient and attractive overall planning and design not achievable under matter-of-right development.
4. The Zoning Commission has the authority under the Zoning Regulations to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines and standards that may be exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, yards, or courts. The Zoning Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the BZA.

OCT 21 2005

5. The approval of this PUD is not inconsistent with the Comprehensive Plan.
6. The proposed PUD meets the minimum area requirements of 11 DCMR § 2401.1.
7. The development of this PUD is compatible with city-wide goals, plans and programs and is sensitive to environmental considerations. The Commission also finds that the proposed PUD is not inconsistent with the Comprehensive Plan.
8. The Zoning Commission finds that the impact of the proposed PUD on the surrounding area and upon the operation of city services and facilities is acceptable given the significance, quantity and quality of public benefits cited in Finding No. 21, above.
9. The proposed PUD can be approved with conditions that ensure that the development will enhance the neighborhood and ensure neighborhood stability.
10. The application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1997.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia orders APPROVAL of this application for consolidated review of a planned unit development for Lots 22, 23, 24 and 25 in Square 5409 (pending processing of application for consolidation of lots into Lot 26, Square 5409). The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in accordance with the plans prepared by the architectural firm of Grimm & Parker, marked as Exhibits 5, 16, and 36 as modified by the guidelines, conditions and standards of this Order.
2. The subject property shall be rezoned from R-5-A to R-5-B.
3. The development approved in this PUD shall be a new, 100-unit, three- and four-story apartment building for senior citizens. Rents will be in the affordable range for low- and moderate-income households.
4. The density of the development shall not exceed 1.62 FAR and the maximum lot occupancy shall not exceed 43 percent.
5. The height of the building shall not exceed 50 feet.

OCT 21 2005

6. The development shall provide off-street parking for 19 vehicles, as shown on the site plan.
7. Exterior materials shall include two types of brick and siding.
8. The Applicant shall have the flexibility to:
 - a. Vary the location and design of all interior components of the building, provided that the variations do not change the exterior configuration of the building.
 - b. In the design of the pocket park, to add plaques, monuments, shrubs, hedges, flowers, benches and potentially a gazebo and walkway.
 - c. Make minor adjustments to the width, location and orientation of the driveway entrances to the Property from Anacostia Road and from B Street in consultation with the District Department of Transportation in the building permit process.
 - d. Eliminate the dumb waiter from the plans and to create a paved pathway from the entrance to the Terrace Level around the building to the loading platform area, for purposes of efficient trash removal.
 - e. Deviate from the roof colors provided on the material board, by using materials that are in substantial accordance with the colors provided by the Applicant in its post-hearing submission.
 - f. Provide African-oriented designs in the brick façade of the building in substantial accordance with the graphic representations provided by the Applicant in its post-hearing submission.
9. The Applicant shall enter into a Memorandum of Understanding with the D.C. Office of Local Business Development prior to the issuance of a building permit. The Applicant shall abide by the terms of the executed Memorandum of Understanding with the D.C. Office of Local Business Development in order to achieve, at a minimum, the goal of thirty-five percent (35%) participation by local, small, and disadvantaged businesses in the contracted development costs in connection with the design, development, construction, maintenance, and security for the project to be created as a result of the PUD project. After the completion of construction of the project, the Applicant shall provide a written status report to the Zoning Commission and the D.C. Local Business Opportunity Commission regarding compliance with this agreement.
10. The Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services (DOES) in order to

OCT 21 2005

achieve the goal of utilizing District of Columbia residents for at least fifty-one percent (51%) of the jobs created by the PUD project. After completion of construction of this project, the Applicant shall provide a written status report to the Zoning Commission and the DOES regarding compliance with this agreement.

11. Pursuant to 11 DCMR § 2409.3, no building permit shall be issued for this planned unit development until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA). This covenant shall bind the Applicant and all successors in title to construct on and use the subject property in accordance with this Order or any amendment thereof.
12. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division of DCRA until the Applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
13. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application shall be filed for a building permit as specified in 11 DCMR §§ 2408.8 and 2409.1. Construction shall start within three years of the effective date of this Order.
14. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On July 11, 2005, the Commission voted to approve the Application by a vote of 5-0-0 (Anthony J. Hood, Carol J. Mitten, Gregory N. Jeffries, Kevin L. Hildebrand, and John G. Parsons to approve).

OCT 21 2005

The Order was adopted by the Zoning Commission at its public meeting on September 15, 2005, by a vote of 5-0-0 (Carol J. Mitten, John G. Parsons, Anthony J. Hood, Gregory N. Jeffries, and Kevin L. Hildebrand to adopt).

In accordance with the provisions of 11 DCMR 3028, this order shall become final and effective upon publication in the D.C. Register, that is, on _____.

ZONING COMMISSION ORDER NO. 05-16
Z.C. Case No. 05-16
(American University – Addition to the Kogod School of Business & New Lecture Hall
Special - Exception & Further Processing Pursuant to An Approved Campus Plan)
September 1, 2005

Application No. 05-16 of American University (the "Applicant"), pursuant to §§ 3104.1 and 210 for special exception approval of a further processing application of an approved campus plan for an addition, consisting of approximately 2,173 square feet of gross floor area, to the Kogod School of Business and the New Lecture Hall on the Main Campus of American University in the R-5-A District at premises 4400 Massachusetts Avenue, N.W. (Lot 1 in Square 1600).

HEARING DATE: September 1, 2005

DECISION DATE: September 1, 2005 (Bench Decision)

SUMMARY ORDER

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Commission provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, by mail to Advisory Neighborhood Commission ("ANC") 3D, and to owners of property within 200 feet of the site. The Main Campus of American University is located solely within the jurisdiction of ANC 3D.

As directed by 11 DCMR § 3035.4, the Commission required the Applicant to satisfy the burden of proving the elements of § 210 of the Zoning Regulations, which are necessary to establish the case for a special exception for college or university use in the R-5-A District. No person or party testified in opposition to the application at the public hearing and there was no evidence in the record of any opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

The DC Office of Planning, in a report dated August 18, 2005 and submitted into the record, concluded that the application is in conformance with the provisions of § 210 and recommended approval of the application. ANC 3D submitted a letter to the Zoning Commission, dated July 25, 2005, supporting the application as the proposed addition would serve university space

OCT 21 2005

needs, is in keeping with the approved Campus Plan, does not include a request for additional students, and will not cause an increase in campus related traffic.

Based upon the record before the Commission, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 210 and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Commission further concludes that granting the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map. The Commission notes, and gives great weight to, the recommendation of the Office of Planning that the application satisfies the requirements of § 210. The Commission notes, and gives great weight to, the recommendation of ANC 3D that the proposed application will not adversely affect the use of neighboring property as the proposed building addition is located on the interior of the campus, and the application does not propose an increase in student enrollment, nor its it likely to increase campus related traffic on adjacent streets.

Accordingly, it is **ORDERED** that the application be **GRANTED**.

Pursuant to 11 DCMR § 3100.5, the Commission has determined to waive the requirement of 11 DCMR § 3125.3 that findings of fact and conclusions of law accompany the order of the Commission. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 4-0-1 (Carol J. Mitten, Anthony J. Hood, Kevin L. Hildebrand, and John G. Parsons to approve; Gregory N. Jeffries, having not participated, not voting)

BY ORDER OF THE D.C. ZONING COMMISSION

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: _____

PURSUANT TO 11 DCMR §3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR §3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-

OCT 21 2005

YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 25 IN TITLE 1 OF THE D.C. CODE. *SEE* D.C. CODE § 1-2531 (1999). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. OF THE D.C. CODE. *SEE* D.C. CODE SECTION 2-1402.67 (2001). THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THE HUMAN RIGHTS ACT. THE FAILURE THE APPLICANT SHALL COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C.LAW 2-38, AS AMENDED, CODIFIED AS CHAPTER 14 IN TITLE 2 OR REFUSAL OF THE APPLICANT TO COMPLY SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER. NOTE IN SECTION 2-1401.01 OF THE D.C. HUMAN RIGHTS ACT THAT IT IS THE INTENT OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, IN ENACTING THIS CHAPTER, TO SECURE AN END IN THE DISTRICT OF COLUMBIA TO DISCRIMINATION FOR ANY REASON OTHER THAN THAT OF INDIVIDUAL MERIT, INCLUDING, BUT NOT LIMITED TO, DISCRIMINATION BY REASON OF RACE, COLOR, RELIGION, NATURAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, AND PLACE OF RESIDENCE OR BUSINESS.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST**

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001).....	\$16.00
3	DCMR ELECTIONS & ETHICS (JUNE 1998)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995).....	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002).....	\$26.00
6A	DCMR POLICE PERSONNEL (MAY 1988).....	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986).....	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988)	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998).....	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, FEBRUARY 1999).....	\$33.00
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*.....	\$26.00
11	DCMR ZONING (FEBRUARY 2003)	\$35.00
12	DCMR CONSTRUCTION CODES SUPPLEMENT (2003)	\$25.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984).....	\$7.00
14	DCMR HOUSING (DECEMBER 2004)	\$25.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998).....	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998) W/DECEMBER 1998 SUPPLEMENT	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990).....	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997)	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997)	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998)	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986).....	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995)	\$13.00
23	DCMR ALCOHOLIC BEVERAGES (AUGUST 2004)	\$10.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996)	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003).....	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985).....	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988).....	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (AUGUST 2004).....	\$10.00
29	DCMR PUBLIC WELFARE (MAY 1987).....	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997)	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (JULY 2004)	\$16.00

Publications Price List (Continued)

OTHER PUBLICATIONS

1994 - 1996 Indices	\$52.00 + \$5.50 postage
1997 - 1998 Indices	\$52.00 + \$5.50 postage
Complete Set of <i>D.C. Municipal Regulations</i>	\$628.00
D.C. Register yearly subscription.....	\$195.00
Rulemaking Handbook & Publications Style Manual (1983).....	\$5.00
*Supplements to D.C. Municipal Regulations	\$4.00

MAIL ORDERS: Send exact amount in check or money order made payable to the D.C. Treasurer.
Specify title and subject. Send to: D.C. Office of Documents and Administrative Issuances, Room 520,
One Judiciary Square, 441 - 4th St., N.W., Washington, D.C. 20001. Phone: 727-5090

OVER THE COUNTER SALES: Come to Rm. 520, One Judiciary Sq., Bring check or money order.

All sales final. A charge of \$65.00 will be added for any dishonored check (D.C. Law 4-16)